

# Woods Primary School



## **POLICY ON THE USE OF REASONABLE FORCE TO RESTRAIN OR CONTROL PUPILS**

Date Approved by Board of Governors: 17 June 2021

Next Policy Review Date: June 2022

## **Rationale**

### **Context**

It is our responsibility to:

- provide a safe and secure environment for the entire school community (pupils and staff)
- promote and sustain appropriate behaviour

This policy is:

- 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**

Woods P.S. 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 Woods P.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 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)):

It enables a member of staff of a grant aided school to use, in relation to any pupil at the school, such force as is reasonable in the circumstances to prevent a pupil from:

- Committing an offence;
- Causing personal injury to, or damage to the property of, any person; including the person him/herself;
- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at school or among any of its pupils, whether 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**

### **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 where a child is going to harm him/herself or others. Preventative strategies for inappropriate behaviour(s) are detailed in our schools Positive Behaviour Policy with a focus on 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 will form part of the pupil's education plan. (Appendix 1 and Appendix 2)

Planned intervention, in which staff employ, where necessary, pre-arranged strategies based upon the risk assessment may be used if required.

Situations may arise when emergency or unplanned use of intervention is required in response to unforeseen events e.g. pupil fights.

## **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 for handling concerns within the 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, eg teachers, classroom assistants, supervisory assistants. The Principal will confirm with all staff those who are authorised to be in charge of pupils at any given time.

### **Insurance**

All staff and any other adult authorised by the Principal to supervise pupils are covered by insurance and should ensure that they follow the schools 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.

However, staff should not put themselves in personal danger merely to safeguard property.

### **Where reasonable force can be used**

Reasonable force/safe handling can be used by a teacher or other authorised person(s) on the school premises or when authorised elsewhere eg, supervision of pupils in bus queues, on other authorised out of school activities such as a sporting event or educational trip.

### **When reasonable force should be used**

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

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 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)

**NB** Reasonable force should be used only as a last resort when all other behaviour management strategies have been exhausted.

### **Procedures for summoning additional support**

When a member of staff requires additional support they should send a reliable pupil to the office to get the Principal.

### **Pupils identified due to behavioural concerns**

Staff should be aware of the Individual Behaviour Plan that is in place. This plan should be followed.

### **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 involve a calm and measured approach at all times appropriate to the particular 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, eg from a large or older group of pupils, send for the nearest staff support.

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

- Physically interposing between pupils
- Blocking a pupil's path
- Holding a pupil
- Escorting a pupil away from an incident by the hand or by sufficient yet gentle, pressure by placing a hand on the centre of the back
- In extreme circumstances more restrictive holds may be used.

## **Foundation Stage/SEN**

Foundation Stage school staff or those working with children with additional needs will be involved in activities that require safe handling on a regular basis for educational or health and safety purposes. Examples include:

- teaching a child to hold an adults 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.

**It is never appropriate and should not be employed and staff should not:**

- Hold a pupil round the neck or in any way that might restrict breathing
- Slap, kick or punch nor twist limbs or hold by the ear or hair
- Throw objects at pupils
- Hold a pupil face down
- Trip up a pupil.
- Touch or hold 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 exceptional circumstances**

Neither article 4 nor the guidance contained in the above mentioned circular can cover every possible situation in which it might be reasonable for someone to use a degree of force..... In an emergency, for example..... any member of staff would be entitled to intervene whether or not she/he have been specifically authorized by the principal to do so.

## What to do after an incident in which reasonable force has been used?

All incidents must be recorded in detail as soon as possible-these reports are to be kept in the principal's office in the 'Use of Reasonable Force File' and should include:

- 1) Names of all pupil, adults and witnesses involved
- 2) Time and Place
- 3) Reason/s for the use of force
- 4) A description detailing the lead up to and the incident itself
- 5) The pupil's response
- 6) Details of the outcome/s of the incident including injuries sustained by any party and property damage
- 7) ALL WRITTEN WITNESS STATEMENTS SHOULD BE SIGNED AND DATED.

(see Appendix 3 for 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. 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, using the Incident Record Form (Appendix 3).

### Post-Incident Management

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. The school First Aiders, Mr Lennox or Mrs Duncan will assess any injuries and treat accordingly. 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 and parents/carers will be informed and allowed an opportunity to discuss. Mrs Milliken or Mrs White will meet with the pupils involved to provide emotional support and agree a way forward.

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.

### Contacting Parents

Parents/carers should be contacted as soon as possible and the incident explained to them. This must 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 Woods 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 will be supported, as appropriate, in taking any necessary action against an assailant.

**Designated Teacher**

Mrs White (Principal) and Mrs Milliken (Vice Principal/Designated Teacher) will be responsible for providing guidance, in line with this policy, to other staff on the use of reasonable force/safe handling and for implementing and supporting the schools 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 child protection policy and procedures. Advice will be sought from the Behaviour Support Team.

**Consultation**

Key stakeholders must be consulted on the policy – (Education & Libraries Order (NI) 2003). These will include:

- children and young people;
- parents and carers;
- all staff; and
- Board of Governors.

Parents will be asked to sign a declaration that they have read and agree to the policy (Appendix 4). This policy will be reviewed annually.

Date of Next Review: June 2022

Signed: \_\_\_\_\_ (Chair of Board of Governors)

\_\_\_\_\_ (Principal)

## **Appendix 1**

### **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, the school will carry out a risk assessment from two perspectives:

- environmental risk assessment; and
- individual risk assessment.

### **Environmental Risk Assessment**

- Identify situations or locations where there is 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.
- Mrs White (Principal) and Mrs Milliken (Vice Principal) will make recommendations to Board of Governors on the type and level of supervision needed to minimise risk.
- Implement plan.
- Review plan.

### **Individual Risk Assessment**

Where the 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 will 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 includes:

- 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

**Woods Primary School**



**Reasonable Force Policy**

Dear Parent/Guardian

As part of our duty to safeguard your child/children we have a Reasonable Force Policy. This policy refers to the procedures which may be required in school to protect your child or other children from physical harm.

This policy applies to children within P1-P7. Parents/Guardians are asked to complete the consent form below.

Mrs K White  
Principal

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I \_\_\_\_\_ (parent/guardian) of

\_\_\_\_\_ (child)

give permission for any of the Staff in Woods Primary School to restrain my child, if necessary, in response to their actions as outlined in the policy.

I have read and understood the Reasonable Force Policy.

Signed: \_\_\_\_\_  
(parent/guardian)