



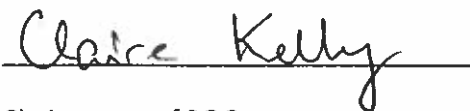
# St Anne's P.S. Corkey

## Reasonable Force/Safe Handling Policy

Date Reviewed and Agreed by BoG:

29<sup>th</sup> October 2020

Signed

A handwritten signature in black ink that reads 'Claire Kelly' is written over a horizontal line.

Chairperson of BOG

## **USE OF REASONABLE FORCE/ SAFE HANDLING POLICY**

This policy should be read and understood as part of our Pastoral Care suite of policies. This policy has been written using the Joint Board and DENI guidance (May 2004).

### **Rationale**

The following policy reflects our dual responsibility to:

1. provide a safe and secure environment for the entire school community (pupils and staff)

2. promote and sustain 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 Anne'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 Anne'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.

### **Mission Statement**

St Anne's mission statement is under review currently; this policy will be amended when the review process has been completed.

### **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 Care suite of policies and dovetails with the school's existing: Positive Behaviour policy, Anti-bullying policy, Child Protection policy, Additional Needs policy, Health and Safety policy; Parental Complaints policy; PRSD policy; Welfare policy; Teaching & Learning policy; 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.

All schools need to consider:

- 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
- emergency or unplanned use of force/intervention, which occurs in response to unforeseen events, eg pupil fights.

### **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 Positive Behaviour policy especially under 'A Stepwise Approach to Behaviour Management'.

### **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 staff 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 Individual Education Plan)

## **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 be in charge of pupils at any given time.

### **Insurance**

All staff and any other adult authorised by the principal to supervise pupils follow the school's policy and practice and are adequately covered by insurance.

## **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 eg, 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.

If a member of staff requires additional adult assistance, a reliable pupil should deliver a "Red Card" to the next closest available member of staff. 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/DT will draw up an individual plan for action and inform relevant staff.

## **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 school's 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:

- separating pupils who are fighting, or who are about to fight;
- blocking a pupil's path;
- holding;
- breakaway techniques (eg 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;
- using more restrictive holds (in extreme circumstances).
- 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 behavior programme;
- 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**

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.

## **Record Keeping**

All incidents involving the use of reasonable force must be recorded in the school's 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 and provide the contemporaneous written record/report. (see 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. (see appendix 3 'Incident Record Form')

### **Post-Incident Management**

The use of physical intervention can be upsetting to all concerned, therefore, staff and pupils will be 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 should be reported and recorded in accordance with the St Anne's Incident Reporting procedures – parents/carers must be informed and allowed an opportunity to discuss.

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. Post incident support will be provided by the Designated Teacher.

### **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" as defined in the school policy. 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 Anne's P.S. involving the use of reasonable force/restraint by a teacher, the procedures governing such incidents will 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 Parental Complaints Policy 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.

### **Training and Staff 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.

Training will be provided by accredited trainers (E.A. Behaviour Support Team )

### **Policy Development and Guidance Consultation:**

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

- children;
- parents and carers;
- all staff; and
- Board of Governors

***Appendices as exemplars attached below.***