



Cookstown High School

Safe Handling and Use of Reasonable Force Policy

Review: October 2021

Next review: October 2024

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PROCEDURE OVERVIEW

DETAILS

TITLE	Complaints Procedure
TARGET AUDIENCE	Parents/Guardians, School Stakeholders, Staff
REVIEW DATE	
REVIEW LEAD	
PERSONNEL INVOLVED IN THE REVIEW OF THIS PROCEDURE:	Senior Leadership Team
PROCEDURE PRESENTED TO THE BOARD OF GOVERNORS ON:	
PROCEDURE RATIFIED BY THE BOARD OF GOVERNORS ON:	
EFFECTIVE FROM:	
REVIEW FREQUENCY:	Every three years (minimum)
REVIEWED ON:	
PRINCIPAL	
CHAIR OF BOARD OF GOVERNORS	

This procedure has been reviewed to include reference to the remit of the Northern Ireland Public Services Ombudsman (NIPSO) in investigating complaints from members of the public in relation to maladministration in publicly-funded schools.

RECORD OF PROCEDURE AMENDMENTS

The following table outlines any significant changes/amendments made to this procedure since it was ratified by the Board of Governors on:

DATE OF REVIEW OR AMENDMENT	SUMMARY OF CHANGED / AMENDMENTS TO PROCEDURE	AMENDED BY

Introduction

The purpose of this policy is to provide support and guidance for all teaching staff, support staff, governors and volunteers who come into contact with pupils while working within the school.

Cookstown High School should provide a caring, positive, safe and stimulating environment in which all individuals feel safe and are protected from harm. This policy sets out the school's arrangements for physical intervention and will be shared with pupils and parents. All staff are expected to undertake their duties and responsibilities in accordance with the school's policies.

All pupils and parents/guardians will be informed about the relevant policies, school rules and expected conduct of all pupils and staff attending or working in the school. This policy is informed by the guidance and procedures set out by the following documents and legislation:

- DE 'Pastoral Care: Guidance on the Use of Reasonable Force to Restrain or Control Pupils' (Circular 1999/9)
- DE 'Pastoral Care in Schools: Promoting Positive Behaviour' (2001)
- DE 'Pastoral Care in Schools: Child Protection (1999/10)
- Towards a Model Policy in Schools on the Use of Reasonable Force (August 2002)
- 'Welfare and Protection of Pupils' (2003/13)
- 'Regional Policy Framework on the Use of Reasonable Force/Safe Handling' (2004)

This policy is referenced in the Safeguarding Policy and should be read in conjunction with other school policies relating to Pastoral Care.

Purpose

The policy applies to all staff (teaching and support), governors and volunteers working in the school. This school believes that good personal and professional relationships between staff and pupils are vital to ensure good order in school. It is recognised that the vast majority of our pupils will respond positively to the behaviour management strategies practised by staff to ensure the safety and well-being of all individuals in school. The purpose of the procedures set out in this policy is to safeguard and protect our pupils by ensuring that every adult who works in our school, either in a paid or voluntary capacity, has clear guidance on the use of reasonable force as the appropriate action to be taken in exceptional circumstances.

Every effort will be made to ensure that all staff and volunteers in this school:

(i) clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and (ii) are provided with appropriate advice to deal with these difficult situations.

Staff have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention. Physical intervention will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff, good order or property are at risk, but should be reasonable and proportionate.

Types of Contact

Physical Contact

This may involve situations when physical contact with a pupil may be proper or necessary in order to guide or instruct a pupil as they develop a skill or master the use of a piece of equipment e.g. during PE lessons or Sports Fixtures, Home Economics, Music, Science or Technology and Design, or if a member of staff has to give first aid. Touching may also be appropriate where a pupil is in distress or needs comforting.

Physical Intervention

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by hand, arm or shoulder with little or no force.

Restrictive Physical Intervention/Reasonable Force

This will involve the use of physical intervention/reasonable force when there is an immediate risk to pupils, staff or risk of significant damage to property. A record of all such incidents will be kept.

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 him/herself); 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 himself/herself or others or

seriously damaging property, but used in a manner which attempts to preserve the dignity of all concerned. When other behaviour management strategies have failed, 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, 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;
- 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.

The use of reasonable force/safe handling will 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 procedures. These are detailed in Appendix 1.

Staff authorised to Use Restrictive Physical Intervention/Reasonable Force

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, within school or away from the school during a school trip or visit. The Principal will confirm with all staff those who are authorised to be in charge of pupils at any given time and will make clear in what circumstances and settings staff may use force. (see Appendix 2)

Procedures for Use of Reasonable Force/Safe Handling

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 sporting event or educational trip. Reasonable force will 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 a risk of injury or of 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 he/she might cause an accident likely to injure himself/herself 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)

Staff will not, however, place themselves in personal danger merely to safeguard property. If a member of staff makes the decision to use reasonable force, they should always try to enlist additional adult support e.g. by sending a reliable pupil to seek out another member of staff.

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.

Record Keeping

All incidents involving the use of reasonable force must be recorded. 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 or one of the Vice-Principals and provide the written record/report made immediately following the incident.

The Chairperson of the Board of Governors and the Principal will review annually the record of such incidents. 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, preferably on the same day. Parents/carers will be contacted as soon as possible and the incident explained to them. This and their response will also be recorded.

Staff should keep their own copy of any written report. (see Appendix 3)

Complaints

If an incident occurs in Cookstown High School involving the use of reasonable force/restraint by a member of staff, the procedures governing such incidents will be followed. This will include informing the parent(s)/guardian(s) of the pupil as outlined above.

Anyone who has a concern about how such an incident has been dealt with should contact the School Principal who is the Designated Teacher for Safe Handling and the Use of Reasonable Force. If the concern involves the Principal, contact should be made with the Chair of the Board of Governors.

In the event of a complaint being made, this will be dealt with in accordance with 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.

Reviewing Our Safe Handling and Use of Reasonable Force Policy

This policy will be reviewed bi-annually by the Board of Governors and cognisance will be taken of new or changed legislation and guidelines.

Appendix 1

PROCEDURES TO BE USED BEFORE AND DURING THE APPLICATION OF REASONABLE FORCE BY A MEMBER OF STAFF IN AUTHORITY

- 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 or assistant feels at risk, for example from a large or older group of pupils, send for the nearest staff support.

Forms of Reasonable Force

The forms of reasonable force the school will use will depend on the individual circumstances but may include any of the following:

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

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.

Appendix 2 GUIDANCE ON THE USE OF REASONABLE FORCE TO RESTRAIN OR CONTROL PUPILS

[From: Towards a Model Policy in Schools on the Use of Reasonable Force, Appendix to Circular 1999/9]

Who may use reasonable force?

Teachers

1. Article 4 of the Education (Northern Ireland) Order 1998 authorises teachers to use 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 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 during a teaching session or otherwise.

Non-Teaching staff

2. Other members of staff at the school are also authorised to use reasonable force in the circumstances described at 1. above, provided they have been authorised by the Principal to have lawful control or charge of pupils. This might, for example, include classroom assistants or supervisors. In addition, the authorisation could extend to people from outside agencies e.g. education welfare officers, educational psychologists, peripatetic staff, school counsellors etc.

3. In determining which non-teaching staff to authorise, Principals will wish to have regard to the roles and responsibilities of the staff concerned. In particular they should consider whether the staff have a responsibility to supervise pupils as part of their normal duties or whether, from time to time, they may have to take on that responsibility when a teacher is not present.

Volunteers

4. Suitably vetted volunteers normally work only under the direction and supervision of a teacher or other member of staff and should not be expected to assume sole responsibility for the safety and well-being of pupils. Where a situation arises, therefore, where the use of reasonable force may need to be exercised, the volunteer should alert the member of staff in charge and defer to his/her judgement as to the appropriate means of handling the situation. There may, however, be circumstances in which the Principal may need to authorise a volunteer to use reasonable force in exceptional circumstances. These might include school visits, holidays and residential activities where some degree of delegated responsibility may have to be given to the volunteers in the organisation of activities; where a member of school staff may not be readily available to deal with an incident; and where it is possible that significant harm will occur if action is not taken immediately. Where

volunteers are so authorised, it is essential that they receive appropriate training and guidance.

5. The key issue is that all non-teaching staff and volunteers must be identified and specifically authorised by the Principal to be in control of or in charge of pupils. The Principal should clearly inform all persons concerned and ensure that they are aware of and understand what the authorisation entails.

Principals may find it helpful to arrange for training or guidance to be provided by a senior member of the teaching staff who has been designated as having special responsibility for this matter and who has already received suitable training on the use of reasonable force.

Appendix 3 RECORD OF THE USE OF REASONABLE FORCE

Date of incident:

Time of Incident:

Pupil Name:

Date of Birth:

Member(s) of staff involved:

Adult witness(es) to incident:

Pupil witnesses to incident:

Outline of event leading to incident, including place where incident occurred, description of pupil's behaviour and steps taken to defuse the situation other than physical intervention:

Measures taken following the incident (e.g. respite for pupil(s), support for teacher(s):

Description of any injury(ies) sustained by anyone, any subsequent treatment and any damage to property:

Date parent/carer informed of incident:

Time:

By whom informed:

Outline of parent/carer response:

Signature of staff completing report:

Date:

Signature of Teacher -in-charge:

Date:

Signature of Principal:

Date:

Brief description of any subsequent inquiry/complaint or action: