

BLIGH'S LANE NURSERY SCHOOL

USE OF REASONABLE FORCE POLICY



Signed: _____ (BOG Chair)

(Principal)

Date: _____

Review Due: _____

PRINCIPLES

All schools have a Pastoral responsibility towards the pupils in their charge and should take all reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety is preserved. It is the schools intention to create a safe and secure environment for children, staff and parents. Pre-school aged children are only just beginning to become aware of the power of their emotions and how their actions can impact on others. Therefore, they often need the intervention of sensitive staff to guide them towards an understanding of acceptable behaviour. The ethos of the school actively promotes the child's Personal, Social and Emotional Development through a carefully planned programme based on respect for self and others, which is constantly reinforced and modelled by the staff.

Occasionally, a child may display the inability to respond positively to staff requests or the rules of the nursery. A child may have behaviour problems that need to be addressed for his/her own safety, and for that of the other children and / or staff. In our setting, this can normally be managed by the experienced staff without physical intervention. Guidance with regard to coping with undue aggression is set out in paragraphs 83 to 96 of DE publication 'Pastoral Care in Schools: Promoting Positive Behaviour' (June 2001). Staff will also be supported by other agencies such as the Child Psychology Service or Behaviour Support Team.

AIMS

- To create a learning environment in which children and staff feel safe
- To protect everyone in the school community from harm
- To protect all children against any form of physical intervention, which is unnecessary, inappropriate, excessive or harmful
- To put in place guidance for staff, students and volunteers, so that they are clear about the circumstances in which they might use reasonable force to restrain pupils and how such reasonable force might be applied.
- To inform parents as to the type of incident that might require staff to implement this policy and the procedures that will follow

INDIVIDUAL RISK ASSESSMENT

If the staff become aware that a child is likely to behave in a disruptive way that may require the use of reasonable force, they should plan how to respond if the situation arises in order to minimise the risk of incidents escalating unnecessarily. Such planning will address:

- Consulting Parents – to ensure that they are clear about the specific action that the staff will take
- Briefing Staff – to ensure that they know exactly what action they should be taking and/or to identify the need for further guidance or training
- Managing the Child – developing, implementing and evaluating a Behaviour Modification Plan
- Obtaining Additional Support – for example:
 - Consulting the educational psychologist if appropriate
 - Liaising with the Behaviour Support Team

DEFINITION OF REASONABLE FORCE

The Education (NI) order 1998 (part 11 Article 4) 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)
- 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

Based on this the definition of ‘reasonable force’ is;

- The minimum force necessary to prevent a child from physically harming him/herself or others or seriously damaging property, but is used in a manner which attempts to preserve the dignity of all concerned.

THE USE OF REASONABLE FORCE

The use of reasonable force will always depend on the circumstances of the case and therefore staff should take the following into consideration:

- Whether it is reasonable to use force given the age and understanding of the child, or taking into consideration any medical condition or Special Needs that the child may have
- That the use of any force is unlawful if the particular circumstances do not warrant it
- That the degree of force employed, should be in proportion to the circumstances of the incident and the seriousness of the behaviour

USE AND FORMS OF REASONABLE FORCE

Reasonable force should be limited to emergency situations and used only as a last resort in situations where:

- A child attacks another child or member of staff
- Children are fighting – i.e. physically harming each other
- A child is causing, or at risk of causing, injury or damage by accident, by the misuse of resources or objects
- A child attempts to leave the school without permission

PHYSICAL INTERVENTION

This type of intervention may take several forms:

- Holding
- Leading the child by the hand or arm
- Blocking a child's path
- Physically interposing between children
- Removal of objects/missiles from the child
- Carrying the child to a designated area – e.g. story room
- Retention of the child in the designated area until calm

THE LAW STRICTLY PROHIBITS THE USE OF FORCE WHICH CONSTITUTES THE GIVING OF CORPORAL PUNISHMENT

Examples of the type of force NOT PERMITTED IN THIS SCHOOL are:

- Holding around the neck
- Any hold that might restrict breathing
- Kicking, slapping, or punching
- Forcing limbs against joints
- Tripping
- Holding by the hair
- Holding the child face down on the ground

During any incident when it becomes necessary for staff to physically intervene the adult in question will proceed in the following manner:

- Be completely calm (or appear so to the child) – speak quietly, repeating instructions in short sentences
- Try to maintain eye-contact
- Remove the other children from the area if possible – even if they are not at physical risk, such confrontations are very frightening for young children
- Explain to the child what it is he/she has done wrong (such behaviour might be acceptable in the child's home) and that the incident needs to be discussed
- Advise the child that the behaviour is not acceptable and why
- Reassure the child that you are there to support him/her and explain what will happen next
- Advise the child that you are about to approach him/her and why
- If holding a child – advise him/her that you will release him/her when he/she is calm
- Record the incident and report it to the Designated teacher for Child Protection. Record on Use of Restraint Incident Form
- Inform the parents of the child

In some cases it may be necessary to summon assistance from another member of staff, and in all instances it is advisable to request another member of staff to act as a witness.

ROLES AND RESPONSIBILITIES

All staff have the responsibility to ensure that reasonable force is only used when completely necessary. In particular:

- Governors, staff and parents should be involved in the development and review of the policy
- The Principal will have overall responsibility for the implementation, evaluation and review of the policy
- The staff will know and understand their roles and responsibilities in relation to the implementation of the policy, and in supporting each other should an incident arise

- Students / volunteers should never engage in the restraint of children under any circumstances, unless totally unavoidable
- Staff will know and understand legislation in relation to physical intervention
- Staff should meet to discuss strategies for intervention with a child who is considered to pose serious behaviour problems, or for a child with Special Educational Needs
- Parents will be informed about the schools procedures via parent information evenings and in individual cases will have regular meetings with the Principal and class teacher
- Parents will be expected to support the Behaviour Management Programme employed in the school and indeed adopt the same methods at home in order to ensure success
- A record of such meetings including any recommendations or decisions made, will also be kept
- The staff member involved in the incident may also keep a copy of the report

RECORD KEEPING

All incidents involving the use of reasonable force should be recorded using the pro-forma provided by the school. The school will keep an up-to-date record of all such incidents and the class teacher will record progress in the child's file

COMPLAINTS

In the event of a complaint being made against a member of staff by the child's parent, it should be dealt with in accordance with the school's Complaint's Policy. 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 under Child Protection procedures.

If a member of staff is the complainant, they will be supported, as appropriate, in taking any necessary action against an assailant.

THE MONITORING, EVALUATION AND REVIEW OF THE POLICY

It will be the responsibility of the Principal to monitor the implementation of the policy in the setting and report to the Governors. The whole staff will evaluate the policy regularly. The Principal and Board of Governors will review the policy when necessary.