



Carniny Primary School



Policy on the Use of Reasonable Force and Safe Handling

1. RATIONALE

Our dual responsibility:

- Providing safe and secure environment for the entire school community (pupils and adults);
- Promoting and sustaining appropriate behaviour.

2. LEGISLATIVE FRAMEWORK

This policy has been formulated with due consideration to the following legislation:

- The United Nations' Convention on the Rights of the Child - UK 1991;
- 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;
- 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;
- 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;
- The Human Rights Act 1998;
- The Children (NI) Order 1995 - duty to protect and child protection responsibilities/fulfilling responsibility; and
- Health and Safety at Work Act (NI) Order 1978.

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.

3. PRINCIPLES

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

Carniny Primary School therefore 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/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.

4. PURPOSES

The following purposes underpin Carniny 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 which they might use reasonable force to restrain pupils and how such force might be applied.

5.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, Health and Safety Policy and Complaints' Procedure.

6. 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.

Carniny Primary School will 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.
- Emergency or unplanned use of force/intervention, which occurs in response to unforeseen events, eg pupil fights.

7. PRACTICES

(a) Preventive Strategies

- The school actively promotes positive behaviour management 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 Positive Behaviour Policy.

(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 exhibit disturbing or distressing behaviour (Emotional and Behavioural Difficulties). Risk assessment will be considered only for those pupils where there is a foreseeable risk and enable the school to plan and train accordingly. Risk assessment will be considered from two perspectives (a) environmental risk or (b) individual risk assessment. This should form part of the pupil's education plan.

8. 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 judgement 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 education 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 she/he might cause an accident likely to injure herself/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);
- 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.

Within the context of Carniny Primary School it may not be necessary to employ reasonable force in all the categories listed above.

9. 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, eg. From a large or older group of pupils, send for the nearest staff support.

If the school is aware that a pupil is likely to behave in a way that the use of reasonable force is required, staff will plan how to respond if the situation arises. Such planning will address:

- Managing the pupil (eg. Reactive strategies to de-escalate a conflict, holds to be used if necessary);
- Involving the parents to ensure that they are clear about the specific action the school might need to take;
- Briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);
- Ensuring that additional support can be summoned if appropriate.

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

- Physically interposing between pupils;
- Blocking a pupil's path;
- Holding;
- Pushing;
- Pulling;
- 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.

10. 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.

11. 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 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 or ear;
- Holding the pupil face down on the ground;
- Throwing an object at a pupil;
- 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.

12. RECORD KEEPING

All incidents involving the use of reasonable force must be recorded using the school's "**Record/Report of the Use of Reasonable Force Book**" (Appendix1). The school 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 senior member of staff and provide the contemporaneous written record/report.

The Chairperson of the Board of Governors and the Principal will review annually all incidents. All records 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 three years after their date of leaving. Confidentiality and the young person's right to privacy will be ensured.

The pupil's views should also be recorded as soon as possible, preferably on the same day.

The pupils views recorded should be appropriate to the child's age, ability to understand etc.

13. POST INCIDENT MANAGEMENT

The use of physical intervention can be upsetting to all concerned, therefore the Board of Governors will 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 should be reported and recorded in accordance with the school's 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.

First aid provision within the school is provided by the Principal and Vice-Principal.

Depending on the nature of the incident the Education Authority will be contacted to access appropriate support.

14 CONTACTING PARENTS/CARERS

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 as detailed below.

15 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.

16. COMPLAINTS

If an incident occurs in Carniny 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/carer 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 and in accordance with the Circular 1999/10, Pastoral Care in Schools - Child Protection.

Staff who themselves are subjected to physical violence or assault should be supported, as appropriate, on taking any necessary action against an assailant.

17. DESIGNATED TEACHER

The Designated Teacher for Child Protection has the responsibility in Carniny Primary School for providing guidance to other staff on the use of reasonable force/safe handling and for implementing and supporting the school's procedures.

18. TRAINING AND DEVELOPMENT

The use of reasonable force will be discussed with staff during the annual Child Protection Training

The school will also seek advice from the Education Authority's Behavioural Unit if staff are concerned about the possibility of any pupil becoming involved in behaviour that may warrant the use of reasonable force. It is the policy of the school to be proactive rather than reactive with respect to the use of reasonable force.

19. POLICY DEVELOPMENT AND GUIDANCE

The following key stakeholders were consulted on the contents of this policy - (Education & Libraries Order (NI) 2003). These included:

- Parents/carers
- All staff; and
- Board of Governors.

This policy will be reviewed annually or as appropriate in light of review after an incident or due to new guidance/legislation being issued.

20. CONCLUSION

Each and every incident where restraint is used will have to be examined on its merits. Staff and other authorised people are advised to be very cautious before using physical restraint and must be aware of our school's policy on discipline. Everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so.

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 witness(es) 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:

Outline of incident including reason for use of reasonable force,
how it was applied and for how long:

Measures taken following the incident (eg 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:

