

Regional Policy Framework on the use of Reasonable Force/ Safe Handling



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Rationale

Context

- our dual responsibility
 - providing safe and secure environment for the entire school community (pupils and staff)
 - promoting and sustaining 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

(Name of 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 (school name) 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 – school's own mission statement

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.

Guidance

It is recommended that schools review existing pastoral policies, particularly practices and preventative strategies relating to behaviour management, to facilitate the development of a reasonable force/safe handling policy.

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.

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.

Preventative strategies for inappropriate behaviour(s) are detailed in our schools behaviour management policy especially – 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 should form part of the pupil's education plan. (Appendix 1 and Appendix 2)

Guidance

In relation to risk assessment schools will need to consider training and development for teachers and ancillary staff, to include temporary staff.

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, 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.

Guidance

Principals need to confirm with all members of staff whether or not they meet the terms of authorisation. Consideration should be given to all school staff – teachers, classroom assistants, library supervisors, and lunchtime supervisors. It might also be appropriate to consider outreach teachers, educational psychologists, education welfare officers, bus escorts, after school club leaders or supervisors, off-site supervisors eg, further education link supervisors (disapplied curriculum) and any other professional, as appropriate, involved in working with children and young people.

Insurance

Schools in all sectors would be advised to clarify with their **employing authority** that **all staff and any other adult** authorised by the principal to supervise pupils are adequately covered by insurance and have followed 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.

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.

Guidance

Schools, ie nursery, primary, post-primary and special need to consider the above in relation to their particular context. Schools should stipulate procedures for summoning additional support, eg red card, reliable pupil, etc in this policy. 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/senior management team will need to 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 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.

The forms of reasonable force the school will use will depend on the individual circumstances and are(schools should define the forms here.)

Guidance

Schools should discuss, consider and agree the forms of interventions for, eg.

- *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; or*
- *using more restrictive holds (in extreme circumstances).*

Forms of Safe Handling (Appropriate for Nursery, Early Years and Special Schools)

The forms of safe handling the school will use will depend on the individual circumstances and are

Guidance

Nursery, early years and special school staff will be involved in activities that require safe handling on a regular basis for educational, therapeutic, health and safety purposes. Schools should discuss, consider and agree from the following range of examples:

- *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.

Guidance

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.

Guidance

Schools need to consider or pay attention to their Code Of Conduct for Staff and the provision of post-incident support for staff.

Record Keeping

All incidents involving the use of reasonable force must be recorded in the schools 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 or a senior member of staff and provide the contemporaneous written record/report. (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. Ref Appendix 3 Specimen Incident Record Form.

Guidance

Pupil views recorded as appropriate to sector, age, etc.

Post-Incident Management

Guidance

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. Immediate action should 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 should take prompt action to ensure it is provided. Schools will need to clarify the following within their policy:

- *who will check for injuries or provide first-aid or arrange for medical aid, eg school nurse; and*
- *who will provide staff and children with support after incidents.*

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 _____ (name of 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 should be supported, as appropriate, in taking any necessary action against an assailant.

Designated Teacher

Guidance

Schools may consider it useful in ensuring a consistent approach to have a designated experienced senior member of staff (the Principal or a senior teacher, or perhaps the designated teacher for child protection). This member of staff will have special responsibility for providing guidance 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. 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.

Guidance

Principals will need to consider a member or members of staff who will undertake accredited training in restraint/reasonable force/safe handling, which will be updated annually. Education and Library Boards' Behaviour Support Teams will offer professional guidance and support to schools on a range of behavioural support, including the use of reasonable force/safe handling – prevention and intervention strategies.

Policy Development and Guidance

Consultation

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

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

Date policy agreed by Board of Governors and staff

Signed Chair of Governors

Date for review of policy

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, schools should 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.
- Principal and SMT to make recommendations to Board of Governors on type and level of supervision to minimise risk.
- Implement plan.
- Review plan.

Individual Risk Assessment

Where a 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 should 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 should include:

- 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.

Risk Assessment Proforma

NAME OF PUPIL: _____ DOB. _____ AGE: _____

SEN REGISTER CODE OF PRACTICE STAGE: _____

SUPPORT TO-DATE: _____

EDUCATION PLAN: _____

RISK ASSESSMENT COMPLETED BY
MEMBER OF STAFF: _____

DATE: _____

SIGNED: _____
(Principal) (Date)

Consultation has been carried out...

Please tick ✓
as appropriate.

with the pupil	
with other pupils	
with the parent/carer	
with staff	

Types of Behaviour Causing Concern: Level of Risk, Frequency, People to whom Behaviour Exhibited.

BEHAVIOUR	VERY LIKELY	LIKELY	QUITE POSSIBLE	POSSIBLE	UNLIKELY	FREQUENCY H – Hourly D – Daily W – Weekly M – Monthly T – Termly
DISRUPTION:						
Vandalism						
Bullying						
Fighting						
Violent and Aggressive						
Angry Outbursts						
Impulsive Dangerous Behaviour						
Self Harms						
Medically Related Behaviour						
Threatening and Abusive						
Other (<i>please specify</i>)						
PEOPLE TO WHOM BEHAVIOUR IS MOST LIKELY EXHIBITED						
Classroom Teacher						
Subject Specific Teacher (<i>please specify</i>)						
Classroom Assistant						
Technician						
Ancillary Staff (lunchtime supervisors, caretakers)						
Member of SMT						
Male Staff						
Female Staff						
Other Pupils in Class						
Other Pupils in School						
Male Pupils						
Female Pupils						
Younger/Older Pupils						
Ethnic Minority Pupils						

ENVIRONMENTS AND TIMES OF GREATEST RISK - FLASH POINTS /HOT SPOTS

LOCATION AND TIME OF BEHAVIOURS	OTHER (please specify)	THREATENING AND ABUSIVE	MEDICALLY RELATED BEHAVIOUR	SELF HARM	IMPULSIVE DANGEROUS BEHAVIOUR	ANGRY OUTBURSTS	VIOLENT AND AGGRESSIVE	FIGHTING	BULLYING	VANDALISM	DISRUPTION
Behaviour During Lessons											
Behaviour in Practical Lessons (please specify)											
Behaviour Going Between Lessons											
Behaviour in Library											
Behaviour in Canteen/ Lunch											
Behaviour at Break Times											
Behaviour in Playground/ Lunchtime											
Behaviour on Educational Trips											
Behaviour Off-Site Disapplied Programmes											
Behaviour in PE/Games Hall											
Behaviour on School/ Public Transport Bus											
Behaviour in Taxi											
Behaviour if Medication Not Taken											
Other Behaviours – (please specify)											

Risk Evaluation

Level of Likelihood	x	Frequency	=	Risk
Very Likely 5	x	Hourly (5)	=	25 greatest
Likely 4	x	Daily (4)	=	16
Quite Possible 3	x	Weekly (3)	=	9
Possible 2	x	Monthly (2)	=	4
Unlikely 1	x	Termly (1)	=	1 lowest

Likelihoods		Frequency	
Very likely	5	Hourly	5
Likely	4	Daily	4
Quite Possible	3	Weekly	3
Possible	2	Monthly	2
Unlikely	1	Termly	1

This numerical evaluation of risk is not an absolute but simply affords a pupil's predisposition and risk frequency to be compared.

RISK FACTORS

Score	Risk
25	Very High
15-20	High
8-12	Medium
6-10	Low
1-5	V Low

ACTION PLAN

Drawn up by		Date	
Name of Pupil			
Agreed by		(Principal)	Date
Presented to BOG		(Date)	
To be reviewed		(Date)	
Signed		(Parent)	Date

Behaviour	Risk Factor	Existing Precautions/ Support/Supervision Linked to Education Plan	Additional Precautions/ Support/ Supervision/ Strategies	Action By Whom	Action By When

Incident Record Form

Basic Data

Date of Incident _____

Name of School: _____

Year Group: _____

Employing Authority: ELB ☐ CCMS ☐ Voluntary Grammar ☐NICIE ☐ Irish Medium ☐

Staff Involved in restraint: _____

Designation: _____

Events Leading up to the Incident

Where did the incident start? _____

What was happening at the time? _____

Describe the Event that Occurred

When did the incident occur? Day: _____ Time: _____

Where did the incident occur?
_____What action did you take to try to de-escalate the situation before using restraint?
_____What behaviour was the child presenting that warranted restraint/physical intervention
(Please tick appropriate box)At risk of injury to self or others ☐ At risk of significant damage to property ☐Compromising good order and discipline ☐ At risk of committing a criminal offence ☐What do you believe would have happened if there had been no physical intervention?

How was the pupil held? _____

How long did the pupil need to be held? _____

Was anybody injured? YES/NO If yes, please give details

Name of member of staff who verbally checked pupil for injury after the hold _____

Has the pupil been physically restrained before? **YES/NO**

Implications for Future Planning

Does this pupil have an individual behaviour programme/education plan? **YES/NO**

Do changes need to be made to any of the following? *(Please tick appropriate box)*

The environment eg organisation, curriculum ☐ Targets for teaching new skills ☐

Reinforcement strategies ☐ Defusing and calming strategies ☐

Other ☐ Please specify _____

Do other agencies need to be involved in the future **YES/NO**

If yes, please specify who and with what aim _____

Follow Up Action

Medical intervention was needed **YES/NO**

Has school nurse/doctor been informed **YES/NO**

Please specify other recording procedures:

Accident book ☐ Accident form ☐ Child Protection ☐
Record

Parent/carers informed by Telephone ☐ Letter ☐
Direct Contact ☐

Form completed by _____

Post held _____

Principal's signature _____ Date _____

A copy should be sent to the chairperson of the Board of Governors