



St. Mary's Grammar School, Belfast

**REASONABLE FORCE /
SAFE HANDLING POLICY**

June 2017



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Reasonable Force / Safe Handling Policy

Rationale

This context of this policy and procedures is our wish to achieve the following considerations:

- ❖ providing a 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
- ❖ 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
- DE Circular 2003/13 Welfare and Protection of Pupils.

Principles

St. Mary's 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 our 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
- 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.

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 our overall pastoral policies and dovetails into the school's existing Anti-Bullying Policy, Child Protection Policy, Health and Safety Policy, Complaints Policy, Behaviour Management Policy and Special Educational Needs 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 himself or others or seriously damaging property, but used in a manner which attempts to preserve the dignity of all concerned.

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 those on 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 - Emotional Behavioural Disorders).

Risk assessment will be considered only for those pupils where there is a foreseeable risk which 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 (**see appendix 1**).

Procedures – Support Structures

Parents and pupils will be informed of the procedures and support structures within the overall pastoral care ethos of St. Mary's.

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, classroom supervisors, caretakers etc. The principal will confirm with all staff whether or not they meet the terms of authorisation.

It might also be appropriate to consider outreach teachers, educational psychologists, education welfare officers, bus escorts, after school supervisors, off-site supervisors e.g., Further Education link supervisors (disapplied curriculum) and any other professional, as appropriate, involved in working with our pupils.

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 e.g., 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 he might cause an accident likely to injure himself or others;
- a pupil absconds from a class or tries to leave school (**N.B: 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 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 Leadership Team will need to draw up an individual plan for action and inform relevant staff.

Forms of Reasonable Force

Reasonable force may be used when other behaviour management strategies have failed. It should be the minimum intervention or force that should reasonably be employed depending on the age, 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 that physical contact will stop as soon as he is ready to behave appropriately;
- if the staff member 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 may be appropriate for;

- separating pupils who are fighting, or who are about to fight;
- blocking a pupil's path;
- holding;
- breakaway techniques (e.g. 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).

Other Legal Considerations

- Where force is applied it should be done in a manner that attempts to REDUCE rather than PROVOKE.
- The number of staff involved should be the minimum necessary to intervene physically, whilst minimising injury.
- The more serious the danger, the greater the degree of force which may be used to avoid such danger.
- Wherever practical retreat/break-away should always be the first consideration.
- What constitutes “reasonable” will always be a matter of personal and professional judgement that will need to be justified, reported, recorded and evaluated.

Negligence

Negligence has three main elements:

- An established Duty of Care that is owed;
- A breach of that duty;
- Any ensuing damage/injury related to that breach.

Omission

To take no action, where the outcome is that a child injures himself, or another, including staff, could be seen as negligence.

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 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 his/her life may be endangered.

Record Keeping

All incidents involving the use of reasonable force must be recorded. The Principal or Vice-Principals 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.

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.

Post-Incident Management

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 any incident.

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.

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 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.

Complaints

In the event of a complaint made against a member of staff either by or on behalf of a pupil, 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 subject to physical violence or assault should be supported, as appropriate, in taking any necessary action against an assailant.

Designated Teacher

Mrs. Fiona Crookes, Vice Principal, is the teacher designated to have specific responsibility for Child Protection & incidents involving the need for reasonable force.

Mr Mark Robinson, Senior Teacher, assumes the responsibility when the designated teacher is absent or unavailable.

If both Mrs Crookes and Mr Robinson are absent the matter should then be referred to another member of the Senior Leadership Team.

The designated teacher will have special responsibility for providing guidance to other staff on the use of reasonable force/safe handling and for implementing and supporting the school's 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.

Appropriate staff will receive relevant training and development in the use of preventative strategies and approaches for managing difficult situations when they may arise. Training will be provided by accredited trainers.

Consultation

Key stakeholders were consulted on the policy – (Education & Libraries Order (NI) 2003). These included:

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

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 are 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 SLT 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 and informing them on specific action the school may need to take;
- briefing staff – what action they should be taking (may require training or guidance);

- managing the pupil – e.g. reactive strategies to de-escalate a conflict;
- ensuring that additional support can be summoned wherever possible;
- implementing plan;
- 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;
- planned measures to manage the child and others safely, when unavoidable difficulties arise.