

St Mary's Primary School



USE OF REASONABLE FORCE POLICY

Date Ratified by Board of Governors: December 2021

Signed: *Gerald Smyth*

School address: 191, Derrytrasna Road
Lurgan
Co. Armagh
BT66 6NR

This policy has been written using the Joint Board and DENI guidance (May 2004).

Rationale

St Mary's will seek to create a safe and secure environment for the entire school community.

Legislative Framework

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

- 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;
- 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;
- 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
- Human Rights Act 1998 (Articles 3 and 5) which provides for the right to education.
- 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;
- 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;
- The Department of Education NI circular 2021/13- Interim Guidance Settings 10th May 2021
- 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.
- 2003 Regional Policy Framework on the use of Reasonable Force/Safe Handling (2004)
- Safeguarding & Child Protection in Schools (updated September 2019) section 10:2 Physical Contact with Pupils

Principles

The ethos and culture of St Mary's Primary School is underpinned by our belief 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.

Aims

The following aims underpin St Mary'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 in which they might use reasonable force to restrain pupils and how such force might be applied.

Mission Statement

'In St Mary's Primary School we aim to provide a catholic education, which is person centred which promotes the dignity; self-esteem and full development of each child. We believe this will enable our children to maximise their individual potential for academic, spiritual, personal, emotional and social development. Thus preparing them for future learning and living.'

Links With Other Policies

This policy is one of the overall pastoral policies and dovetails into the school's existing positive 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, the staff code of conduct.

Definition of Reasonable Force

According to 'The Education (NI) Order 1998', 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.

Forms of Reasonable Force

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 themselves or others. If a member of staff should intervene in an incident, wherever possible, additional help should be sought from another member of staff.

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;

The forms of reasonable force the school will use will depend on the individual circumstances and are:

- blocking a pupil's path;
- separating pupils who are fighting, or who are about to fight;
- 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).

The forms of safe handling the school will use depending on the individual circumstances are:

- 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 (see also Intimate Care Policy).

Procedures

There may be circumstances when a member of staff may have to decide between making an intervention/using reasonable force by placing themselves 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 or 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
- 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 a member of staff requires additional adult assistance, a reliable pupil should deliver the “Red Card” to the next closest available member of staff. 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 draw up an individual plan for action and inform relevant staff.

Preventative Strategies

St Mary’s Primary 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 school 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 enable the school to plan and train accordingly.

The behaviour of the vast majority of pupils in the School will never require any form of physical intervention, however a small number of pupils may exhibit heightened/unsafe 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:

- Identifying 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 class teacher 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; implementing plan and review;
- reviewing Plan.

Risk Reduction Action Planning

Risk reduction action plans 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

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.

Insurance

The school has clarified with the E.A. that **all staff and any other adult** authorised by the Principal to supervise pupils are adequately covered by insurance as long as they have followed the school's policy and practice.

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 & Staff Code of Conduct policies. 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.

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**”. All records will be kept in the reasonable force file and monitored by the Principal and Chair of Governors.

The 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 of the use of Reasonable Force.

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 3 years after their date of leaving.

Confidentiality and the young person’s right to privacy will need to be ensured. The incident is discussed with the pupil at an appropriate time.

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.

In the case of an incident and resulting injury occurring, medical aid will be provided in the first instance by the designated teacher of First Aid.

Contacting Parents

Parents/carers should be contacted as soon as possible and the incident explained to them. This must also be recorded in the **Report of the Use of Reasonable Force**. 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 St Mary's Primary School involving the use of reasonable force/restraint by a member of staff, 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.

Training and Development

All staff will have 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.

Policy Development and Guidance

Consultation:

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

Include:

- children;
- parents and carers;
- all staff; and
- Board of Governors

Date policy agreed by Board of Governors and staff- Date:

Date for review of policy:

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

These must include:

- children
- 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



Report of the Use of Reasonable Force Record Form

Date of Incident: _____

Pupil's Name: _____ Class: _____

Staff involved in use of restraint: _____

Role _____

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?

Date: _____ Time: _____

Where did the incident occur? _____

What action was taken 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 at risk of committing a criminal offence

discipline

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- Post Incident Learning

When calm discussion with pupil –an opportunity to reflect.

Pupil Input

Follow Up Action

Please specify other recording procedures:

Accident book Accident Injury Report Form Child Protection Record

Parent/carer informed by: Telephone Direct Contact

Form completed by

Post held _____

Principal's signature _____ Date _____

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



St Mary's Incident Record

Name of Person:		Occupation:
DoB:		
Address:		
Class:		

Incident Details		
Date of Incident:		Time of Incident: _____ am/pm
Was it reported:		If yes, date and to whom:
Name & address where the incident occurred if different to above:		
Where did the incident occur:	(Exact location, e.g. Classroom, Hall, Playground, Corridor)	
How did it happen?		

Injuries	
Nature of injuries:	
Actions:	

Witnesses		
Name:	Date:	Role:

Name of person completing the report: _____

Signature of Principal or Person in Charge: _____ Date: _____

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 is exhibited.

Behaviour & No. of incidents & dates	Very Likely (5)	Likely (4)	Quite Possible (3)	Possible (2)	Unlikely (1)	Frequency	Weighting = Likelihood X Frequency
						H - hourly D - Daily W - Weekly M - Monthly T - Termly	
Disruption							
Vandalism							
Bullying Name calling etc							
Fighting							
Violent & Aggressive							
Angry Outbursts							
Impulsive / Dangerous							
Self- Harms							

Medically Related Behaviour							
Foul & abusive / Sexualised Lang / Allegations Directed @ staff (14)							
Failure to follow rules & procedures (13) – 18/6, 24/6,15/9,3/10-x3,3/11,26/11,1/12, 10/12,suspension, 5/11- taxi incident							

People to whom behaviour is exhibited, Level of Risk, Frequency,

People to whom behaviour is most likely to be exhibited & dates	Very Likely (5)	Likely (4)	Quite Possible (3)	Possible (2)	Unlikely (1)	Frequency H - hourly D – Daily W- Weekly M – Monthly T - Termly	Weighting = Likelihood X Frequency
Classroom Teacher							

Class Teachers							
Classroom Assistant (2)							
CareTaker							
Secretary							
Ancillary staff							

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 absolute but affords a pupil's predisposition & risk frequency to be compared.

Risk Factors

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