



Play, Learn and Grow Together

Reasonable Force and Safe Handling Policy

At Hart Memorial Nursery we believe in promoting the moral, intellectual, personal, social and emotional development of each child in a safe, caring and respectful environment. In light of the current legislative framework, we recognise our responsibility to provide a safe and secure environment for the entire school community, staff and pupils, and to promote and sustain appropriate behaviour.

We accept the definition of Reasonable Force as stated in the Education Order (NI)1998 and DENI guidance Circular 1999/9 as being the minimum force necessary to prevent a pupil from physically harming him/herself or others or seriously damaging property, used in a manner which attempts to preserve the dignity of all concerned.

The staff's dual responsibilities are:

- to provide safe and secure environment for the entire school community (pupils and staff)
- to promote and sustain appropriate behaviour

This takes account of:-

- the United Nations Convention on the Rights of the Child (Article 12); International 1989 (UK 1991)
- the Education (NI) Order 1998 (Article 3) which requires Board 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 which provides for the right to education.

This policy and 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 - Safeguarding & Child Protection in School (September 2019): Code of Conduct for Staff and Use of Reasonable Forces, paragraphs 4.8 and 10.2
- DE Circular 2003/13 Welfare and Protection of Pupils.

Definition

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 her / 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, used in a manner which attempts to preserve the dignity of all concerned.

Aims and Objectives

The purpose of this policy is to:-

- protect every person in the school community from harm
- provide guidance for all staff 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 in order to protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful (Appendix 1)
- create a learning environment in which young people and adults feel safe

Procedure

Reasonable force / safe handling may be used by any member of staff who is authorised by the principal to have lawful control or charge of pupils and can be used by a teacher or other authorised person on the school premises or when authorised elsewhere. Reasonable force should be limited to emergency situations and used only as a last resort when all other behaviour management strategies have been exhausted. The guidelines and procedures in Appendix 1 must be followed when an incident occurs involving the use of reasonable force / restraint by a teacher. 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.

Appendix 1

Guidelines and Procedures

1. Foreseeable Risk

Where there is a foreseeable risk of a pupil's behaviour creating distress and disturbance within the school community, an individual risk assessment will be carried out. In such cases, a risk assessment can be a preventative strategy to minimise the escalation of such behaviour or of it creating a specific risk to the pupil or another individual; this should form part of the pupil's Individual Education Plan (IEP).

2. 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.

3. Procedures

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 on an 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 or developing risk of injury to another pupil or person or themselves, or significant damage to property
- a pupil is behaving in a way that is compromising good order and discipline

Examples (not exhaustive) 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 (to others or themselves) or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects
- a pupil is running and 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 child should never be chased if this would cause them greater risk e.g. running into a road)

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.

4. Forms of Reasonable Force

When other behaviour management strategies have failed, it should be the minimum intervention or force that should 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, they will send for the nearest staff support.

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

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

5. 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 Safeguarding and 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 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 to his / her life.

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 intervention should involve the minimum amount of force necessary to resolve the situation and calm the pupil.

6. Record Keeping

All incidents involving the use of reasonable force must be recorded in the school's agreed proforma (Appendix 2). 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 and complete the written record / report. The Chairperson of the Board of Governors and the principal will be kept up to date regarding the records of incidents. Records of incidents will be kept according to the Disposal of Records Schedule. Appropriate steps will be taken by to ensure confidentiality and the young person's right to privacy.

7. Post-Incident Management

The following steps should be undertaken to ensure the health and safety of those involved and to minimise consequences of the incident:

- Immediate action should be taken to ensure that medical help is accessed for any injuries that require more than basic first-aid. All injuries must be reported and recorded in accordance with the school's procedures
- Parents/carers should be contacted as soon as possible and as a matter of urgency and the incident explained to them. This must also be recorded in the school's proforma. Any complaint from a parent will be dealt with within the school's Complaints Policy
- 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
- 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

9. Training and Development

Staff will have regular awareness-raising training concerning issues relating to the use of reasonable force / safe handling, procedures and practices relating to behaviour management and safe-guarding & child protection procedures. 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.