

ANTRIM GRAMMAR SCHOOL

POLICY ON THE USE OF REASONABLE FORCE

September 2009

Aims

- To create an environment in which all individuals feel safe;
- To protect every person in the school community from harm;
- To protect pupils from any physical intervention that is unnecessary, inappropriate, excessive or harmful;
- To put in place guidance for staff so that they are clear about the circumstances in which they might use reasonable force to restrain pupils and how such reasonable force might be applied.

Context

The legislative and policy framework was set by the:

- Health and Safety at Work (NI) Order – 1978.
- Children (NI) Order (1995).
- Education (NI) Order (1998 – (Part II article 4 (1)).
- Human Rights Act (1998) – Articles 3 and 5).
- UN Convention on The Rights of the Child (Articles 12, 16 and 19).
- Special Needs and Disability Act (2002).
- Education and Libraries (NI) Order (2003) – (Articles 17 and 19).
- Welfare and Protection of Pupils (E.L.B.) Order, Circular 2003/13.
- Other relevant legislation, DENI and Board circulars/directives

Much of the legislation cited above led to the DENI Circular 1999/9 “Pastoral Care: Guidance on the Use of Reasonable Force to Restrain or Control Pupils”.

A Regional Group subsequently produced a Development of Guidance Document – “Towards a Model Policy in School on the use of Reasonable Force” (Autumn 2002).

The school’s policy is based upon this legislation and these documents.

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:

- a) committing any offence;
- b) causing personal injury to, or damage to the property of any person (including the pupil himself); or
- c) 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.

Use of Reasonable Force

The school recognises its pastoral responsibility towards the pupils in its charge and will take all reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety is preserved. The Board of Governors and the Principal also recognise their duty to promote and secure good behaviour and discipline on the part of pupils at the school.

The designated teachers for child protection will have special responsibility for providing guidance to other staff on the use of reasonable force. These teachers will also notify parents about incidents where reasonable force has had to be used and will deal with any complaints which may emerge. These will normally be emergency or exceptional situations, as defined above.

Article 4 of the Education order of 1998 does not prevent any person from exercising his/her right under common law to defend him/herself against an attack provided he/she does not use a disproportionate degree of force to do so. The purpose of Article 4 is to make it clear that teachers, and authorised staff, are also entitled to intervene in other, less extreme, situations.

Risk Assessments

Both environmental and individual risk assessments will be conducted according to DE and NEELB policies.

GUIDELINES FOR ACTION

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 where 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, during games or 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 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.

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, e.g. from a large, older group of pupils, send for the nearest staff support.

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 during 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 that he/she may be injured or may endanger his/her life.

Record Keeping

All incidents involving the use of reasonable force must be recorded in the school's 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. (c.f. Incident Report 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. (c.f. Incident Record Form).

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, (cf relevant Policy).

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.

RECORD OF USE OF REASONABLE FORCE

Name of member of staff:		
Date of incident:	Time of incident:	
Pupil/pupils involved:		
Details of incident:		
<u>Check list for communicating incident</u>	YES	NO
Principal or Senior Member of Staff informed		
Parents/Carers contacted		
Support initiated, if required		