

Rush Green Primary School Policy on the Use of Reasonable Force/Safe Handling



RATIONALE

This policy and our procedures have been developed in line with guidance from:

- 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

Rush Green Primary 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 Rush Green Primary School'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 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 in 1989 – (Articles 12, 16 and 19); UK 1991:
- Education (NI) Order 1998 (Part II Article 3 (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 Positive Behaviour Policy, Anti-Bullying Policy, Safeguarding Policy, Special Needs Policy, Health & Safety Policy and Complaints Policy.

DEFINITION OF REASONABLE FORCE

The Education (NI) Order 1998 (Part II Article 4 (1)) states:

“A member of the staff of a 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.

Rush Green Primary School will 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/Behaviour Plan;
- Emergency or unplanned use of force/intervention, which occurs in response to unforeseen events, e.g. pupil fights.

PRACTICES

Preventative Strategies

The School actively promotes positive behaviour management, thus reducing the need for the use of any physical intervention, except in emergency situations.

Preventative strategies for inappropriate behaviour(s) are detailed in our Positive Behaviour Policy.

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 (Emotional and Behavioural Difficulties). Risk Assessment will be considered only for those pupils where there is a foreseeable risk and enable the school to plan and train accordingly. Risk Assessment will be considered from two perspectives:

- (a) environmental risk, or
- (b) individual risk assessment.

This should form part of the pupil's Educational Plan/Behaviour Plan.

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 Behaviour Plan and during review meetings.

Roles and Responsibilities

Reasonable force/safe handling can be used by any member of staff who is authorised by the Head Teacher to have lawful control or charge of pupils, e.g. Teachers, Classroom Assistants and Supervisory Assistants. The Head Teacher will confirm with all staff those who are authorised to be in charge of pupils at any given time.

Insurance

The Head Teacher will ensure that any other adult authorised by him to supervise pupils are adequately covered by insurance and have followed the school's policy and procedures.

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 judgement 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 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 which she/he might cause an accident likely to injury herself/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);
- 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.

Within the context of Rush Green Primary School, it may be necessary to employ reasonable force in all the categories listed above. In most instances only staff whom have been appropriately trained to use positive handling techniques should intervene – especially where prior risk assessment indicates a potential need. However, in instances where a specifically trained staff member is unavailable and a child is at risk of danger or of harm, staff will be expected to intervene.

FORMS OF REASONABLE FORCE

When other behaviour management strategies have failed – it should be the minimum intervention of 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 or older group of pupils, send for the nearest staff support.

If the school is aware that a pupil is likely to behave in a way that the use of reasonable force is required, staff will plan how to respond if the situation arises. Such planning will address:

- managing the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary);
- involving the parents to ensure that they are clear about the specific action the school might need to take;
- briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);
- ensuring that additional support can be summoned if appropriate.

Physical intervention can take a number of forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing;
- pulling;

- leading a pupil by the arm;
- shepherding a pupil away by placing a hand in the centre of the back; **or**
- (in extreme circumstances) using more restrictive holds.

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 to calm the pupil down.

GUIDANCE

Limits on the Use of Force

The law strictly prohibits the use of force for the purpose 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 or ear;
- holding the pupil face down on the ground;
- throwing an object at a pupil;
- staff should also avoid touching or holding a pupil in any way that might be considered indecent.

Staff should never act in a way that might reasonably be expected to cause injury.

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 she/he 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 bound and numbered book (held in the Head Teacher's office). The school Head

Teacher will keep an accurate up to date record of all such incidents. Immediately following any incident the member of staff concerned must inform the Head Teacher or Senior member of staff and provided the contemporaneous written report.

The Chairperson of the Board of Governors and the Head Teacher will review annually the entries in the incident book. Records will be held up to three years after their date of leaving. Confidentiality and the young person's right to privacy will be ensured.

The pupil's views should also be recorded as soon as possible, preferably on the same day.

The pupil's views recorded should be appropriate to the child's age, ability to understand, etc.

POST INCIDENT MANAGEMENT

The use of physical intervention can be upsetting to all concerned, therefore the Board of Governors will ensure that staff and pupils are given emotional support and/where required basic first aid treatment. Immediate action will be taken to ensure that medical help is accessed for any injuries that required 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 Head Teacher will take prompt action to ensure it is provided.

First aid provision within the school is provided by:

complete list of first aiders will be retrieved from Joan when she is back from her meeting.

Depending on the nature of the incident, the Local Authority may be contacted to access appropriate support.

CONTACTING PARENTS

Parents/carers should be contacted as soon as possible and the incident explained to them. This must also be recorded in the school's bound and numbered book (held in the Head Teacher's office) 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

If an incident occurs in Rush Green Primary 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)/carer(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 and in accordance with the Circular 1999/10, Pastoral Care in Schools – Child Protection.

Staff who themselves are subjected to physical violence or assault should be supported, as appropriate, on taking any necessary action against an assailant.

DESIGNATED TEACHER

The Head Teacher has the responsibility in Rush Green Primary School 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. Nominated staff (including all of the senior leadership team) will receive appropriate training and development, in line with the school staff development policy, in the use of preventative strategies and approaches for managing difficult situations when they may arise.

The school will also seek advice from the Behavioural Unit if staff are concerned about the possibility of any pupil becoming involved in behaviour that may warrant the use of reasonable force. It is the policy of the school to be proactive rather than reactive with respect to the use of reasonable force.

POLICY DEVELOPMENT AND GUIDANCE

Consultation

Key stakeholders must be consulted on the policy.

These must include:

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

CONCLUSION

Each and every incident where restraint is used will have to be examined on its merits. Staff and other authorised people are advised to be very cautious before using restraint and must be aware of our school's policy on discipline. Everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so.

Reviewed 23/10/15

Next review date 10/18

Signed _____ Chair of Governors

Date _____