

USE OF REASONABLE FORCE



A) Rationale

Context

- our dual responsibility
 - providing 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;
- and
- 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 - 72;
- and
- DE Circular 2003/13 Welfare and Protection of Pupils.

B) Principles

Omagh High 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.

C) Purposes

The following purposes underpin Omagh High 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 in which they might use reasonable force to restrain pupils and how such force might be applied.

D) Mission Statement –

Omagh High School exists to serve the unique academic, physical, spiritual, social and emotional needs of pupils who are in a special and critical period of their lives as they change from childhood, through adolescence, to adulthood. The school is committed to the development of all its pupils whatever their abilities. We aim to encourage in our pupils:

- A curious mind
- A love of learning
- An industrious attitude to their work
- A respect for others
- A respect for self
- High personal moral standards based on a Christian understanding of the world
- The acquisition of skills necessary for future progress.

Central to this is the employment and development of a committed, flexible, motivated staff whose love for children and of their profession manifests itself in their classroom practice and pastoral care.

E) 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));
- Education and Libraries (NI) Order 2003 – Articles 17, 18, 19.
- Human Rights Act 1998 – Articles 3 and 5 of the European Convention on Human Rights; • Health and Safety at Work Act (NI) Order 1978;

F) Links With Other Policies

- This policy is one of the overall pastoral policies and dovetails into the school's existing 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.
- Teaching, learning and assessment policy and curricular policies.

G) 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 him/herself or others or seriously damaging property, but used in a manner which attempts to preserve the dignity of all concerned.

H) 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 – 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 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. (Appendix 1 and Appendix 2)

1) 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

ALL **staff and any other adult** authorised by the principal to supervise pupils are adequately covered by insurance and have followed the schools policy and practice.

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 eg, 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 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 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 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;
- if the teacher, classroom assistant or supervisory assistant feels at risk, eg 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 are listed below:

- ***separating pupils who are fighting, or who are about to fight;***
- ***blocking a pupil's path;***
- ***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 will depend on the individual circumstances.

INTERVENTION GUIDELINES

There are situations where staff should not intervene without help. Assistance should be sought when dealing, for example, with:

- an older pupil;
- a physically large pupil;
- more than one pupil;
- when the teacher believes that he/she may be at risk of injury.

In those circumstances where the member of staff has decided that it is not appropriate to restrain the pupil without help, he/she should:

- remove other pupils who might be at risk;
- summon assistance from colleagues;
- where necessary, contact the police;
- inform the pupil(s) that help will be arriving; and
- continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

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.

Guidance

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/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.

Guidance

Schools need to consider or pay attention to their Code Of Conduct for Staff and the provision of post-incident support for staff.

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”**. 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. (Appendix 3 Incident Record 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 be ensured.

The pupil’s views should also be recorded as soon as possible, preferably on the same day. Ref Appendix 3 Specimen Incident Record Form.

Guidance

The use of physical intervention can be upsetting to all concerned, therefore, it is important 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- who will check for injuries or provide first-aid or arrange for medical aid, eg school nurse;

- counselling service from the EA will provide staff and children with support after incidents.

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 as detailed below.

Complaints

If an incident occurs in Omagh High 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)/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.

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

The designated teacher and the Pastoral staff will have special responsibility for providing guidance to other staff on the use of reasonable force/safe handling and for implementing and supporting the schools' 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. 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. Training will be provided by accredited trainers.

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.

Appendix 2

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	<input type="checkbox"/>
with other pupils	<input type="checkbox"/>
with the parent/carer	<input type="checkbox"/>
with staff	<input type="checkbox"/>

Types of Behaviour Causing Concern: Level of Risk, Frequency, People to whom Behaviour Exhibited.

BEHAVIOUR	VERY LIKELY	LIKELY	QUITE POSSIBLE	POSSIBLE	UNLIKELY	FREQUENCY H – Hourly D – Daily W – Weekly M – Monthly T – Termly
DISRUPTION:						
Vandalism						
Bullying						
Fighting						
Violent and Aggressive						
Angry Outbursts						
Impulsive Dangerous Behaviour						
Self Harms						
Medically Related Behaviour						
Threatening and Abusive						
Other (<i>please specify</i>)						
PEOPLE TO WHOM BEHAVIOUR IS MOST LIKELY EXHIBITED						
Classroom Teacher						
Subject Specific Teacher (<i>please specify</i>)						
Classroom Assistant						
Technician						
Ancillary Staff (lunchtime supervisors, caretakers)						
Member of SMT						
Male Staff						
Female Staff						
Other Pupils in Class						
Other Pupils in School						
Male Pupils						
Female Pupils						
Younger/Older Pupils						
Ethnic Minority Pupils						

ENVIRONMENTS AND TIMES OF GREATEST RISK - FLASH POINTS /HOT SPOTS

LOCATION AND TIME OF BEHAVIOURS	OTHER (please specify)	THREATENING AND ABUSIVE	MEDICALLY RELATED BEHAVIOUR	SELF HARM	IMPULSIVE DANGEROUS BEHAVIOUR	ANGRY OUTBURSTS	VIOLENT AND AGGRESSIVE FIGHTING	BULLYING	VANDALISM	DISRUPTION
Behaviour During Lessons										
Behaviour in Practical Lessons (please specify)										
Behaviour Going Between Lessons										
Behaviour in Library										
Behaviour in Canteen/ Lunch										
Behaviour at Break Times										
Behaviour in Playground/ Lunchtime										
Behaviour on Educational Trips										
Behaviour Off-Site Disapplied Programmes										
Behaviour in PE/Games Hall										
Behaviour on School/ Public Transport Bus										
Behaviour in Taxi										
Behaviour if Medication Not Taken										
Other Behaviours – (please specify)										

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 an absolute but simply affords a pupil's predisposition and risk frequency to be compared.

RISK FACTORS

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

Appendix 2

ACTION PLAN

Drawn up by	_____	Date	_____
Name of Pupil	_____		
Agreed by	_____ (Principal)	Date	_____
Presented to BOG	_____ (Date)		_____
To be reviewed	_____ (Date)		_____
Signed	_____ (Parent)	Date	_____

Behaviour	Risk Factor	Existing Precautions/ Support/Supervision Linked to Education Plan	Additional Precautions/ Support/ Supervision/ Strategies	Action By Whom	Action By When

Incident Record Form

Basic Data

Date of Incident _____

Name of School: _____

Year Group: _____

Employing Authority: ELB CCMS Voluntary Grammar

NICIE Irish Medium

Staff Involved in restraint: _____ Designation: _____

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? Day: _____ Time: _____

Where did the incident occur?

What action did you take 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 discipline At risk of committing a criminal offence

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 _____

Do other agencies need to be involved in the future YES/NO
If yes, please specify who and with what aim _____

Follow Up Action

Medical intervention was needed YES/NO

Has school nurse/doctor been informed YES/NO

Please specify other recording procedures:

Accident book Record Accident form Child Protection

Parent/carer informed by Telephone Letter
Direct Contact

Form completed by _____

Post held _____

Principal's signature _____ Date _____

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