

St Joseph's Primary School

Policy on Safe Handling and the Use of Reasonable Force

In line with all grant aided schools in N Ireland, St Joseph's is obliged to draw up a policy on the use of reasonable force to restrain or control pupils. The Catholic ethos of the school and its promotion of a positive discipline policy, combined with the development of good interpersonal relationships and effective behaviour management strategies should ensure that the need to use reasonable force should be very rare.

Article 4 of the Education (Northern Ireland) Order 1998, which came into force on 21 August 1998, clarifies powers which already exist under common law. It enables a member of staff of a grant-aided school to use, in relation to any pupil at the school, such force as is reasonable in the circumstances to prevent a pupil from:

- a. committing an 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 during a teaching session or otherwise.*

The right of a member of staff to use such force as is reasonable to restrain or control a pupil applies:

- where the member of staff is on the premises of the school; or*
- elsewhere at a time when he/she has lawful control or charge of the pupil concerned;*
- to teachers at the school, and to any other member of staff who with the authority of the principal has lawful control or charge of pupils.*

The application of reasonable force to restrain or control a pupil is to be used as a last resort, only when other behaviour management strategies have failed, and when the pupil, other pupils, members of staff, or property are at risk, or the pupil is seriously compromising good order and discipline.

(DENI Circular 1999/9)

Who may use reasonable force?

All teaching staff in St Joseph's are authorised to use reasonable force, as are all classroom assistants and lunch time supervisors who have undergone appropriate training and guidance. In certain exceptional circumstances, parent or other suitably vetted volunteers may also be authorised, but only following training and guidance.

What is meant by reasonable force?

There is no precise legal definition of “reasonable force” so it is not possible to state, in fully comprehensive terms, when it is appropriate to use physical force to restrain or control pupils or the degree of force that may reasonably be used. It will always depend on the circumstances of each case. However, there are three relevant considerations to be borne in mind:

- *the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force;*
- *the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result;*
- *whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, level of understanding and sex of the pupil, and any physical disability he/she may have.*

When might it be appropriate to use reasonable force?

In a situation where other behaviour management strategies have failed to resolve the problem, or are inappropriate (eg in an emergency), there are a wide variety of circumstances in which reasonable force might be appropriate, or necessary, to restrain or control a pupil. They will fall into three broad categories:

- a. where action is necessary in self-defence or because there is an imminent risk of injury;*
- b. where there is a developing risk of injury, or significant damage to property;*
- c. where a pupil is behaving in a way that is compromising good order and discipline.*

Examples of situations that fall into one of the first two 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 a way in which he/she might have or cause an accident likely to injure him- or herself or others;*
- a pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).*

Examples of situations that fall into the third category are:

- 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.*

However, some practical considerations also need to be taken into account:

- Before intervening physically a member of staff should seek to deploy other behaviour strategies. Where these have failed, the member of staff should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he/she does not. The member of staff should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a member of staff should not intervene in an incident without help (unless it is an emergency), for example, when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he/she may be at risk of injury. In those circumstances the member of staff should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues, or where necessary telephone the Police. The member of staff should inform the pupil(s) that he/she has sent for help. Until assistance arrives the member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

What might be regarded as constituting reasonable force?

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*

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of "reasonable force", for example, to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

However, staff should never act in a way that might reasonably be expected to cause injury, for example by:

- *holding a pupil round the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;*
- *slapping, punching, kicking or using any implement on a pupil;*
- *throwing any object at a pupil;*
- *twisting or forcing limbs against a joint;*
- *tripping up a pupil;*
- *holding or pulling a pupil by the hair or ear;*
- *holding a pupil face down on the ground.*

Staff should also avoid touching or holding a pupil in any way that might be considered indecent.

Recording incidents of the use of reasonable force

It is extremely important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where reasonable force is used. This may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. The school will keep an up-to-date record of all such incidents, in an incident book.

Immediately following any such incident the member of staff concerned should tell the Principal or in her absence the DT and provide a short written factual report as soon as possible afterwards. That report should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (eg to prevent injury to the pupil, another pupil or a member of staff);
- briefly, how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident;
- details of any obvious or apparent injury suffered by the pupil, or any other person, and of any damage to property.

The Chairman of the Board of Governors and the Principal will review the entries in the incident book annually.

Records of incidents will be kept for 5 years after the date they occurred.

In-service training and guidance will be provided for all staff who are authorised to use reasonable force.

This policy will be reviewed in the light of any guidance issued by the EA, CCMS and DENI.

(Paragraphs in italics are taken from DENI Circular 1999/9 and its guidance appendix)

