



## Safe Handling Policy / Use of Reasonable Force

**Policy Date: March 2024**

It is the aim of Milltown Primary School to provide a safe and secure environment for the entire school community (pupils and staff) and to promote and sustain appropriate behaviour.

This policy and the procedures for the use of reasonable force/safe handling have been prepared for the guidance of all teaching and support staff. They have been developed in line with guidance from:

- Pastoral Care in Schools: Promoting Positive Behaviour (2001)
- Pastoral Care in Schools: Child protection: Code of Conduct for Staff (1991/10)
- DE: Towards a Model Policy in Schools on the Use of Reasonable Force (2002)
- DE Circular 1999/9
- DE Circular 2003/13 Welfare and Protection of Pupils

### **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
- Education (NI) Order 1998 (Part II Article 4 (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 (NI) order 2003

### **Purposes**

The following purposes underpin the school's policy and practices:

- To create a learning environment in which young people and adults feel safe
- To protect every person in the school community from harm
- To protect all pupils against any form of physical intervention, which is unnecessary, inappropriate, excessive or harmful; and
- To provide 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.

### **Definition of Reasonable Force**

The Education order (NI) 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 to preserve the dignity of all concerned.

The use of reasonable force/safe handling needs to be considered in the following contexts:

- Planned intervention in which staff employ, where necessary, pre-arranged strategies based upon a risk assessment and recorded within a pupil's behaviour plan; and
- Emergency or unplanned use of force/intervention, which occurs in response to unforeseen events e.g. attack on another pupil or a member of staff, a pupil trying to leave school.

## **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 an emergency situation.

Preventative strategies for inappropriate behaviour(s) are outlined in the school's Behaviour Policy.

### **Risk Assessment**

Risk assessment is a preventative strategy to minimise the risk of an incident escalating unnecessarily and is normal practice where a pupil or a small number of pupils are known to exhibit disturbing or distressing behaviour. Risk assessment will be considered only for those pupils where there is a foreseeable risk. This enables the school to plan and train accordingly.

Risk assessment will be considered from two perspectives:

- a) environmental risk assessment;
- b) individual risk assessment.

### **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 e.g. teachers, classroom assistants, supervisory assistants or any other professional, as appropriate, involved in working with the pupils.

## Procedures

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 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;
- intervene in an incident without help if there is a risk that he/she may be injured or may endanger his/her life.

The use of reasonable force/safe handling can be employed 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 or on other authorised out-of-school activities such as a sporting event or educational visit. The use of 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 positive behaviour.

## Forms of Reasonable Force

When other behaviour management strategies have failed, staff should summon additional support from another member of staff e.g. by sending a reliable pupil, and use the minimum intervention or force that can reasonably be employed depending on the age, sex, physical strength, size, understanding, medical condition and any special needs of the pupil. It should be used in a way that preserves the dignity and respect of all concerned. A calm and measured approach should be taken at all times. It should be appropriate to the particular pupil and be in accordance with the school's agreed strategies.

The following procedure must be adhered to at all times:

- 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;
- Intervene in a measured way.
- During the incident, repeatedly reassure the pupil and tell her/him that physical contact will stop as soon as she/he is ready to behave appropriately;

If the staff member feels at risk he/she should seek support from the nearest staff member and continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

### **Forms of Reasonable Force**

The forms of reasonable force used in school will depend on individual circumstances and may include:

- Physically interposing between pupils;
- Separating pupils who are fighting, or who are about to fight;
- Blocking a pupil's path;
- Holding a blazer or bag;
- Pushing / pulling (e.g. if a child steps into the path of oncoming traffic);
- Breakaway techniques (where a member of staff is grabbed by a pupil);
- Leading a pupil by the hand or arm;
- Shepherding a pupil away by placing hands on the backs of elbows; or
- Using more restrictive holds (in extreme circumstances).

### **Health and Safety**

When using reasonable force/physical intervention/restraint/safe handling, the pupil's health and safety must always be considered.

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

### **Limits on the Use of Force**

The law strictly prohibits the use of force which constitutes corporal punishment. The use of force as a punishment or to intentionally cause pain, injury or humiliation contravenes 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;
- Adopting any hold that might restrict breathing;
- Kicking, slapping or punching or using any implement;
- Forcing limbs against joints;
- Tripping;
- Holding or pulling the hair;
- Holding a pupil face down on the ground;

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

### **Record Keeping**

All incidents involving the use of reasonable force must be recorded.

- Immediately following any incident, the member of staff concerned must inform the Principal or a senior member of staff and provide a written record/report.

The principal will keep an accurate up-to-date record of all such incidents.

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 view should also be recorded as soon as possible, preferably on the same day.

### **Contact with Parents**

Parents/carers will be contacted as soon as possible and the incident explained to them. This must also be recorded. Any complaint from a parent will be dealt with according to the school's complaint policy as detailed below.

### **Complaints**

If an incident involving the use of reasonable force/restraint/safe handling by a member of staff occurs in school, the procedures governing such incidents should be followed. This will include informing the parents/carers of the child as outlined above.

Any subsequent complaints made against a member of staff 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 subject to physical violence or assaulted will be supported, as appropriate, in taking any necessary action against an assailant.

*The use of reasonable force is only to be employed in exceptional circumstances or in an emergency where a pupil appears to be unable to exercise self-control and whose behaviour is presenting a threat to him/herself or others.*

## Milltown Primary School Incident Requiring the Use of Reasonable Force

Pupil:

Class:

Member(s) of staff who employed reasonable force:

Date:

Time:

Name of adult witness(s):

Status:

Reasons for use of reasonable force

- To ensure safety
- To preserve order
- To prevent destruction

Account of incident (include description of incident, reasonable force, pupil response, outcome)

Details of injury and/or damage:

Details of any measures introduced following the incident:

Signatures of staff involved:

Principal's Signature:

Date:

Copies to:

1. Child's file
2. Staff involved
3. Chairman of B of G
4. Parent/Carer (if required)