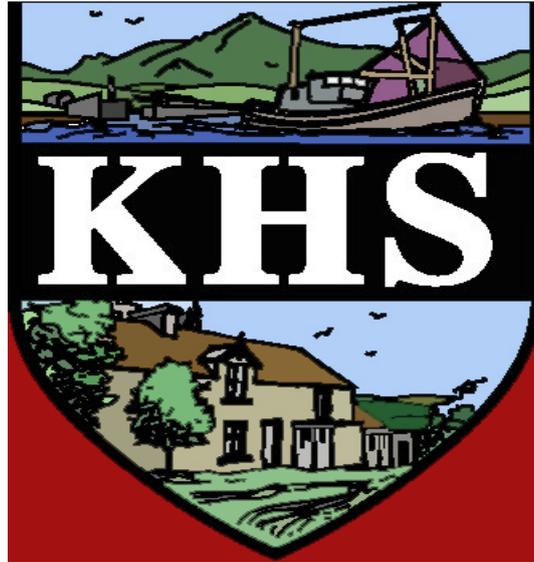


KILKEEL HIGH SCHOOL



USE OF REASONABLE FORCE POLICY

February 2014
(Updated)

RATIONALE

Kilkeel High 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 below.

All actions concerning children and young people must uphold the best interests of the young person as a primary consideration. Staff must always be mindful of the fact that they hold a position of trust, and that their behaviour towards the children and young people in their charge must be above reproach. In exercising pastoral responsibility towards the pupils in our charge we must, therefore, take all reasonable steps to ensure that their welfare is safeguarded and their safety preserved.

DEFINITION OF 'REASONABLE FORCE'

The advice '**Never Touch a Student**' continues to remain the most sensible overarching principle in all our dealings with those in our charge. However, Article 4 of the Education (NI) Order 1998 (part II Article 4) allows for staff to 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 student, whether during a teaching session or otherwise*

Based on the above legal framework, 'reasonable force' refers to the minimum force necessary to prevent a pupil from physically harming him/herself or others or seriously damaging property. The use of reasonable force will always depend on the circumstances of each case being dealt with.

The following guidelines therefore constitute our policy in relation to the use of reasonable force and must be adhered to at all times - for the protection of and benefit to **ALL** in our school.

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.

CODE OF CONDUCT FOR STAFF USING REASONABLE FORCE OR PHYSICAL INTERVENTION

1. Physical contact:

- Staff are advised not to make unnecessary physical contact with their students.
- Physical punishment is illegal, as is any form of physical response to misbehaviour unless it is by way of necessary restraint.
- Any physical contact which would likely to be misinterpreted by the student, parent or casual observer should be avoided.
- Following an incident where a member of staff feels that his/her actions have been, or may be, misconstrued, a written report of the incident should be submitted immediately to the Principal.

2. Reasonable Force:

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 student 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 student, and any physical disability he/she may have.

3. 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.

Please note :

Reasonable force ***should NOT be used automatically in every situation*** nor should it be used as a form of discipline. In a non-urgent situation, reasonable force should only be used ***when other behaviour management strategies have failed.***

Examples:

- physically interposing between students;
- blocking a student's path;
- holding;
- pushing;
- pulling;
- leading a pupil by the arm;
- shepherding a student away by placing a hand in the centre of the back; or (in extreme circumstances) using more restrictive holds.

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

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

SELF-DEFENCE / EMERGENCY SITUATIONS

Everyone has the right to defend himself against an attack provided a disproportionate degree of force to do so is not used. Similarly, in an emergency, for example if a student is at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff is entitled to intervene. The purpose of Article 4 and the Circular is to make it clear that teachers, and authorised staff, are also entitled to intervene in other, less extreme, situations.

OTHER CIRCUMSTANCES

The Code of Conduct for staff makes it clear that, although physical contact with students should generally be avoided, there can be occasions when physical contact with a student may be proper or necessary. For example, some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, music or technology and design, or if a member of staff has to give first aid.

Young children and children with special educational needs may also need staff to provide physical prompts or help. Touching may also be appropriate where a student is in distress and needs comforting. Teachers should use their own professional judgement when they feel a student needs this kind of support.

WHEN MAY 'REASONABLE FORCE' BE USED?

In a situation where other behaviour management strategies have failed to resolve the problem, or are inappropriate (e.g. in an emergency), there is a wide variety of circumstances in which reasonable force might be appropriate, or necessary, to restrain or control a student.

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 student is behaving in a way that is compromising good order and discipline.

Examples -

- a student attacks a member of staff, or another pupil;
- students are fighting;
- a student 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 student 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/herself or others;

- a student absconds from a class or tries to leave school (**NB this will only apply if a student could be at risk if not kept in the classroom or at school**).

But please note - 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 student 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 student 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 the 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 student.

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 student, or a physically large student, or more than one student, or if the teacher believes he/she may be at risk of injury. In those circumstances the member of staff should summon assistance from a colleague or colleagues. The member of staff should inform the student(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.

WHERE MAY 'REASONABLE FORCE' BE USED?

The right of a teacher or other person to use reasonable force applies where the student concerned is on the school premises and/or when he/she has been authorised to have lawful control or charge of the student elsewhere e.g. supervision of students on a field trip or other authorised out-of-school activity such as a sporting event or educational visit.

WRITTEN REPORTS

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. **Immediately following any such incident** the member of staff concerned should tell the Principal and provide a short written factual report as soon as possible afterwards.

That report should include:

- the name(s) of the student(s) involved, and when and where the incident took place

- the names of any other staff or students who witnessed the incident
- the reason that force was necessary (e.g. to prevent injury to the student, another student or a member of staff)
- briefly, how the incident began and progressed including details of the student'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 student's response, and the outcome of the incident
- details of any obvious or apparent injury suffered by the student, or any other person, and of any damage to property.

(See Appendix 1)

STAFF 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, 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.

PARENTS

Incidents involving the use of force can cause the parents of the student involved great concern. It will be the school's policy to inform parents of an incident involving their child (other than a trivial incident), and give them an opportunity to discuss it. This will be done as soon as possible by the Principal or his deputy after the written report is received.

CONCLUSION

The need to use reasonable force to restrain or control a student should be Rare. Such force MUST be used only as a last resort, only after all other behaviour management strategies have failed, and only when the student, other students, staff or property are at risk, or the student is seriously compromising good order and discipline.

'Never Touch a Student' remains BEST ADVICE in nearly every situation!

Please note:

The following legislations are encompassed within this document:

1. DENI Circular 1999/9 “Pastoral Care: Guidance on the Use of Reasonable Force to Restrain or Control Pupils”
2. DENI Paragraph 7 of Circular 1999/9, requested the inter-Board/CCMS/CCEA Group on Behaviour Management to set up a Working Group
3. Health and Safety at Work (NI) Order – 1978.
4. The Children (NI) Order (1995)
5. The Education (NI) Order (1998 – (Part II article 4 (1))
6. The Human Rights Act (1998) – Articles 3 and 5
7. The UN Convention on The Rights of the Child (Articles 12, 16 and 19)
8. The Special Needs and Disability Act (2002)
9. The Education and Libraries (NI) Order (2003) – (Articles 17 and 19)
10. The Welfare and Protection of Pupils (E.L.B.) Order, Circular 2003/13
11. Other relevant legislation, DENI and Board circulars/directives

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> Principal or Senior Member of Staff informed Parents/Carers contacted Support initiated, if required	YES	NO

