

St. Eoghan's P.S. Moneyneena



Towards a Model Policy in Schools on the Use of Reasonable Force

October 2016

GENERAL INTRODUCTION

The Department of Education, as promised in Paragraph 7 of Circular 1999/9, requested the inter-Board/CCMS/CCEA Group on Behaviour Management to set up a Working Group, comprising representatives from the Education and Library Boards, CCMS, schools and teacher unions to draft a model policy for schools on the use of reasonable force based on the guidance in Circular 1999/9.

On reflection the Working Group felt that it would be inappropriate to produce a model policy that all schools could automatically adopt. It recognised the need for each school to formulate a policy which reflected its own unique circumstances, rather than simply adopt a 'standardised' policy drawn up by a group external to the school.

What follows, therefore, is guidance on the areas which a school policy should address and explains the use of the word 'should' throughout the document.

There may be times when it is appropriate to use sections from these guidelines and incorporate them into schools' own policies. If so, the word 'should' would need to be replaced with 'will'. Each school will still need to ensure that its own policy reflects an agreed understanding by all the key stakeholders (eg pupils, parents, staff and governors) of working practice in this area.

The policy should be set in the context of the school's Mission Statement and should form part of the school's overall pastoral care policy and be closely related to the school's other policies on 'Promoting Positive Behaviour' and 'Child Protection'. Each school policy should be formally adopted by the Board of Governors.

NB Schools should refer to Circular 1999/10 'Pastoral Care in Schools: Child Protection' (particularly paragraphs 73 and 74 and Appendix 9) and the Department of Education's guidelines 'Pastoral Care in Schools: Promoting Positive Behaviour' (June 2001).

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Rationale of St. Eoghan's Primary School's Policy On Reasonable Force / Safe Handling

1.1 The purpose of our school is to create a safe and secure environment where all children are enabled to achieve their full potential and to be educated with respect and dignity. The school's policy on the use of reasonable force has been developed to enable staff to achieve this purpose.

1.2 No matter how skillfully and sensitively pupils are managed, a small minority will occasionally engage in aggressive behaviour, which threatens the safety of other pupils and staff. The staff at Sistrakeel P.S. have a pastoral responsibility towards the pupils in their charge and should therefore take all reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety is preserved.

1.3 Article 4 of the Education (Northern Ireland) Order 1998 clarifies the powers of members of staff of a grant-aided school regarding the use of reasonable force (see paragraph 4.1).

1.4 Specific guidance on the Use of Reasonable Force to Restrain or Control Pupils is contained in the Department of Education Circular 1999/9 (see Appendix 1). Guidance on coping with aggression is set out in paragraphs 83 to 96 of the Department of Education publication 'Pastoral Care in Schools: Promoting Positive Behaviour' (June 2001). In addition, this policy has been adapted using the guidelines set out in the Regional Policy Framework on the use of Reasonable Force / Safe Handling (May 2004).

2. Aims Of St. Eoghan's Primary School's Policy On Reasonable Force / Safe Handling

2.1 To create a learning environment in which young people and adults feel safe.

2.2 To protect every person in the school community from harm.

2.3 To protect all pupils against any form of physical intervention, which is unnecessary, inappropriate, excessive or harmful.

2.4 To put in place guidance for all teaching and non-teaching 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.

3. RISK ASSESSMENT

3.1 The behaviour of the vast majority of pupils in our school will never require any form of physical intervention. However, a small number of pupils may exhibit disturbed, or distressing behaviour, which may require some form of physical intervention by staff. In order to minimise the risk of incidents escalating unnecessarily due to lack of foresight, planning and training, we will carry out a risk assessment under two headings :

- Environmental Risk Assessment; and
- Individual Risk Assessment.

3.2 Environmental Risk Assessment

In the event where a pupil is exhibiting disturbed or distressing behaviour a risk analysis within the school will be carried out to identify those situations or locations where there is an increased risk of incidents happening and decide the appropriate type and level of supervision.

An analysis should be made of all past incidents in the school to identify medium to high risk locations. Staff and pupil opinion should also be canvassed to augment this information.

On the basis of the analysis, the Principal will make recommendations to the Board of Governors on the type and level of supervision which will be required to minimise risks.

3.3 Individual Risk Assessment

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

- **consulting 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;
- **managing the pupil**, for example, reactive strategies to de-escalate a conflict;
- **ensuring that additional support** can be summoned wherever possible.

Environmental and individual risk assessment, allied to careful forward planning, should help result in a reduction in serious incidents. However, where they occur, the above strategies should help to ensure that any force used is the minimum necessary to achieve the desired outcome.

4. DEFINITION OF REASONABLE FORCE

4.1 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:

- 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 pupils, whether that behaviour occurs during a teaching session or otherwise.'*

4.2 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. The use of reasonable force will always depend on the circumstances of the case and staff will take the following into consideration:

- whether it is reasonable to use force, and the degree of force that could reasonably be employed, given the age, sex, physical strength, size, understanding, medical conditions and any special educational needs of the pupil;
- 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; and
- the degree of force employed should 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 defuse the situation.

5. USE AND FORMS OF REASONABLE FORCE

5.1 When might it be appropriate to use reasonable force?

Reasonable force will be limited to emergency situations and used only as a last resort in situations where:

- 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 he/she might cause an accident likely to injure him /herself or others;
- A pupil absconds from a class to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school)¹

5.2 Physical intervention in these circumstances may take several forms, eg:

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

¹ In circumstances where a pupil absconds, the school should make every reasonable effort to inform the parent/carer

5.3 The law strictly prohibits the use of force, which constitutes the giving of corporal punishment. The uses of force as a punishment or to intentionally cause pain, injury or humiliation, such as the examples below, (which are not exhaustive) will not be permitted under any circumstances:

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair; and
- holding the pupil face down on the ground.

5.4 When used, physical intervention will avert danger by preventing or deflecting a pupil's action or perhaps by removing a physical object which could be used to harm him /herself or others. It will, at all times, be carefully applied and may be eased by degrees as the pupil calms down in response to the physical contact. The child should be advised throughout that physical intervention will cease when he/she calms down.

5.5 The use of restraint is only likely to be needed in exceptional circumstances if a pupil appears to be unable to exercise self-control of emotions and behaviour and is presenting a threat to him /herself or others. The use of reasonable force will involve a calm, measured approach at all times and be in accordance with agreed strategies and action steps (see Appendix 2).

5.6 There may be times when members of staff in Sistrakeel P.S. should not intervene in an incident without help (unless it is an emergency) (see Appendix 3).

6. ROLES AND RESPONSIBILITIES

6.1 The school will endeavour to ensure that all staff know and understand their roles and responsibilities in relation to the management of pupils.

6.2 Legislation allows 'members of staff' to use 'reasonable force' and defines a member of staff as 'any teacher who works at the school and any person who, with the authority of the Principal, has lawful control or charge of pupils at the school' (see Appendix 1). The Principal will confirm with all members of staff whether or not they meet the terms of this definition.²

6.3 Governors, staff, parents and pupils have been involved in the development of this policy and should be involved in any review. New staff should be given a copy of the policy and a senior member of staff will advise on its implementation.

6.4 Staff will be kept informed of planning in relation to individual pupils who are considered likely to pose serious behavioural problems.

² This is intended to clarify who can use reasonable force, and in what circumstances. However, in an emergency, if it is likely that a pupil will sustain an injury or injure another pupil or adult, any member of staff can intervene and use reasonable force, to protect a pupil, other staff or defend themselves.

6.5 The school SENCO will keep staff informed about pupils with special educational needs who may require special attention with regard to their physical management. Staff will consult with the SENCO regarding any concerns which they have about the physical management of pupils with special educational needs.

7. RECORD KEEPING

7.1 All incidents involving the use of reasonable force will be recorded in a detailed, contemporaneous written report. The school will keep an up-to-date record of all such incidents (see Appendix 4) as such records may be required for future reference. Immediately following any such incident the member of staff concerned should inform the Principal or a senior member of staff and provide a written report.

7.2 Parents/carers should be contacted as soon as possible and the incident explained to them. This action will also be recorded.(see Appendix 4).

7.3 Staff will keep their own copy of any written report.

8. COMPLAINTS

8.1 If an incident occurs in school involving the use of reasonable force by a teacher, the procedures governing such incidents should be followed. This will include informing the parent(s)/guardian(s) of the child.

8.2 In the event of a subsequent complaint made against a member of staff either by or on behalf of the child, this should be dealt with in accordance with the school's complaints procedures. A dispute about the use of force by a member of staff might lead to an investigation either under disciplinary procedures, or by the police and Social Services Department under child protection procedures.

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

9. TRAINING AND DEVELOPMENT

9.1 Although it is anticipated that incidences involving the use of reasonable force or physical intervention will be infrequent, all staff will be made aware of the issues relating to the use of reasonable force and physical intervention as well as procedures and practices relating to school discipline and child protection procedures. As part of the school's training and development policy, all staff should receive appropriate training in the use of preventative strategies and approaches for managing difficult situations when they arise.

Appendix 1

DENI CIRCULAR 1999/9

Pastoral Care: Guidance on the Use of Reasonable Force to Restrain or Control Pupils

1. All schools have a pastoral responsibility towards the pupils in their charge and should therefore 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 of each school also have a duty to promote and secure good behaviour and discipline on the part of pupils at the school.

2. 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.

3. 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; and
- 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.

4. **The need to use reasonable force to restrain or control a pupil should be rare.** This Circular and the attached Appendix provide clarification and guidance on a number of issues relating to the use of “reasonable force” by teachers and others to restrain or control pupils. **However, it is emphasized that corporal punishment remains unlawful, and that neither Article 4 nor this Circular, in any way, authorise teachers or others to use any degree of physical contact which is deliberately intended to cause pain or injury or humiliation.** 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.

Article 4 does not however prevent any person from exercising his/her right under common law to defend themselves against an attack provided he/she does not use a disproportionate degree of force to do so. The purpose of Article 4 is to make it clear that teachers, and authorised staff, are also entitled to intervene in other, less extreme, situations.

Need for Schools to Have a Written Policy

5. The use of reasonable force is only one of the strategies available to schools and teachers to secure pupils' safety and well being and also to maintain good order and discipline. All those who may have to use reasonable force with pupils must clearly understand the options and strategies open to them, and they must know what is regarded as acceptable action on their part and what is not. It is important, therefore, that schools have a clear written policy about the use of reasonable force to restrain or control pupils. This should be understood by teachers, authorised staff, pupils and parents and should form part of the school's policy on discipline and child protection within its overall pastoral care policy.

6. In drawing up a written statement of the school's disciplinary policy, as required in Article 3 of the 1998 Order, it is recommended that the Board of Governors, in consultation with the Principal, should:

- include a statement setting out the school's policy and its guidelines on the use of reasonable force to restrain or control pupils;
- discuss these with staff who may have to apply them; and
- issue or make them known to parents and pupils.

Boards of Governors should also have regard to any advice issued by Education and Library Boards and, where appropriate, the Council for Catholic Maintained Schools.

7. The Department has asked a Working Group, comprising representatives from the Education and Library Boards, CCMS and schools, who are already drafting best practice guidelines for schools on a wide range of disciplinary matters, to draft a model policy for schools on the use of reasonable force based on the guidance in this Circular. This will be available later this year.

Schools may wish to draw up their own policies in the meantime in order to provide guidance to staff and others on the use of reasonable force and its place in the school's strategies for maintaining good behaviour and discipline.

8. A statement of the school's policy on the use of reasonable force to restrain or control pupils should be included with the information the school gives parents about its overall policy on discipline and standards of behaviour.

9. The Department considers that it would also be useful if schools designated an experienced senior member of staff (the Principal or a senior teacher, or perhaps the designated teacher for child protection) as having special responsibility for providing guidance to other staff on the use of reasonable force. This teacher should also assume responsibility for notifying parents about incidents where reasonable force has had to be used and for dealing with any complaints which may emerge. This will help to ensure a consistent approach within the school to the use of reasonable force and the reporting arrangements.

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Appendix to Circular 1999/9

GUIDANCE ON THE USE OF REASONABLE FORCE TO RESTRAIN OR CONTROL PUPILS

Who may use reasonable force?

Teachers

1. Article 4 of the 1998 Order authorises teachers to use such force as is reasonable in the circumstances to prevent a pupil from:

- committing an 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 during a teaching session or otherwise.

Non-teaching staff

2. Other members of staff at the school are also authorised to use reasonable force in the circumstances described at 1. above, provided they have been authorised by the Principal to have lawful control or charge of pupils. This might, for example, include classroom assistants, midday supervisors, and escorts. In addition the authorisation could extend to education welfare officers and educational psychologists.

3. In determining which non-teaching staff to authorise, Principals will wish to have regard to the roles and responsibilities of the staff concerned. In particular they should consider whether the staff have a responsibility to supervise pupils as part of their normal duties or whether, from time to time, they may have to take on that responsibility when a teacher is not present.

Volunteers

4. Suitably vetted volunteers normally work only under the direction and supervision of a teacher or other member of staff and should not be expected to assume sole responsibility for the safety and well-being of pupils. Where a situation arises, therefore, where the use of reasonable force may need to be exercised, the volunteer should alert the member of staff in charge and defer to his/her judgement as to the appropriate means of handling the situation.

There may, however, be circumstances in which the Principal may need to authorise a volunteer to use reasonable force in exceptional circumstances.

These might include school visits, holidays and residential activities where some degree of delegated responsibility may have to be given to the volunteers in the organisation of activities; where a member of school staff may not be readily available to deal with an incident; and where it is possible

that significant harm will occur if action is not taken immediately. Where volunteers are so authorised, it is essential that they receive appropriate training and guidance.

5. The key issue is that all non-teaching staff and volunteers must be identified and specifically authorised by the Principal to be in control of or in charge of pupils. The Principal should clearly inform all persons concerned and ensure that they are aware of and understand what the authorisation entails. Principals may find it helpful to arrange for training or guidance to be provided by a senior member of the teaching staff who has been designated as having special responsibility for this matter and who has already received suitable training on the use of reasonable force. Principals should also keep an up to date list of authorised non-teaching staff and others who are so authorised and ensure that teachers know who they are, for example, by placing a list on the staff room notice board.

Where can reasonable force be used?

6. The right of a teacher or other person to use reasonable force applies where the pupil concerned is on the school premises **and** when he/she has been authorised to have lawful control or charge of the pupil concerned elsewhere, eg supervision of pupils in bus queues, on a field trip, or other authorised out of school activity such as a sporting event or educational visit.

What is meant by reasonable force?

7. 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; and
- 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.

Is it appropriate to use reasonable force in every situation?

8. 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. That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. Any action which could exacerbate the situation needs to be avoided, and the

possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. The age and level of understanding of the pupil is also very relevant in those circumstances – physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils and **should never be used as a substitute for good behaviour management.**

9. Staff may not always have the time to weigh up the possible courses of action and it would be prudent therefore for them to have considered in advance the circumstances when they should and should not use reasonable force. Staff should, whilst taking due account of their duty of care to pupils, always try to deal with the situation through other strategies before using reasonable force.

All teachers need to be aware of strategies and techniques for dealing with difficult pupils and situations which they can use to defuse and calm a situation. Best practice guidelines on successful discipline policies are currently being drawn up by a Working Group comprising representatives from schools, the Education and Library Boards and CCMS. These will be circulated to all schools shortly.

When might it be appropriate to use reasonable force?

10. 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-defense 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.

11. 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; and
- 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**).

12. Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom; and
- a pupil is behaving in a way that is seriously disrupting a lesson.

13. 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.
- Situations where a pupil refuses to obey an order to leave a classroom need to be handled carefully as they can be a prelude to a major confrontation, especially if reasonable force is used to eject older pupils. Where a pupil persistently refuses to leave a classroom and the teacher believes that the use of reasonable force will endanger the teacher or other pupils, the school should have an emergency response procedure whereby assistance can be summoned quickly, for example a trusted pupil is sent for help.
- If a school is aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, it will be sensible to plan how to respond if the situation arises. Such planning needs to address:
 - managing the pupil (eg 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); and
 - ensuring that additional support can be summoned if appropriate.

What might be regarded as constituting reasonable force?

14. 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.

15. 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; and
- holding a pupil face down on the ground.

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

What action can be taken in self-defence or in an emergency situation?

17. Neither Article 4 nor the guidance contained in this Circular can cover every possible situation in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil is at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene whether or not specifically authorised by the Principal to do so. The purpose of Article 4 and this Circular is to make it clear that teachers, and authorised staff, are also entitled to intervene in other, less extreme, situations.

Is physical contact with pupils appropriate in other circumstances?

18. The Code of Conduct for staff which has been issued to all schools makes it clear that, although physical contact with pupils should generally be avoided, there can be occasions when physical contact with a pupil may be proper or necessary other than those situations covered by Article 4. 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 pupil is in distress or needs comforting. Teachers should use their own professional judgement when they feel a pupil needs this kind of support. Guidance on these issues can be found in the Code of Conduct, and also in paragraphs 73 and 74 of the booklet accompanying Circular 1999/10 (Pastoral Care in Schools: Child Protection).

19. There may be some children for whom touching is particularly unwelcome, because, for example, they have been abused. Physical contact with pupils becomes increasingly open to question

as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned actions can sometimes be misconstrued.

Should incidents where reasonable force is used be recorded?

20. 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. Schools should 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 a senior member of staff 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; and
- details of any obvious or apparent injury suffered by the pupil, or any other person, and of any damage to property.

At least annually, the Chairman of the Board of Governors and the Principal should review the entries in the incident book. Records of incidents should be kept for 5 years after the date they occurred.

21. Staff may find it helpful to seek advice from a senior colleague (eg the Principal or senior member of staff who has been designated to provide training and guidance on the use of reasonable force), or a representative of their professional association when compiling a report. They should also keep a copy of the report.

22. Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child (other than a trivial incident), and give them an opportunity to discuss it. The Principal, or a member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

Are complaints about the use of reasonable force likely to occur?

23. Involving parents when an incident occurs with their child, and having a clear policy about the use of reasonable force that staff adhere to, should help to avoid complaints from parents. It will not, however, prevent all complaints, and any complaint from a parent about the use of reasonable force on his/her child should be dealt with in accordance with the procedures set out in the booklet accompanying Circular 1999/10 (Pastoral Care in Schools: Child Protection).

24. The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In these circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. In doing so, the disciplinary panel or court would have regard to the provisions of Article 4. It would also be likely to take account of the school's policy on the use of reasonable force, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

Will suitable training and supporting advice on the use of reasonable force be provided for teachers and other authorised staff?

25. Education and Library Boards are being asked to arrange suitable training courses for a senior teacher in each school who will then be responsible for providing "cascade" training and advice to other staff in the school. Boards are being asked to place an emphasis on and cover behaviour management strategies which seek to avoid the need to use reasonable force to restrain or control pupils. Such training will be in the context of schools' behaviour and child protection policies. Arrangements are also being made for suitable training to be included as part of INSET and initial teacher training courses.

26. The Education and Library Boards are also establishing multi-disciplinary Behaviour Support Teams, to offer professional advice and practical support to schools on a range of behavioural and disciplinary matters, including the use of reasonable force.

Appendix 2

PREVENTATIVE STRATEGIES

All teachers need to be aware of strategies and techniques for dealing with difficult pupils and steps, which they can take to defuse and calm a situation.

The strategies listed below as examples will be influenced by the age of the pupil(s) and the context in which they are applied.

1. Move calmly and confidently;
2. Make simple, clear statements;
3. Intervene early;
4. Try to maintain eye contact;
5. If necessary summon help before the problem escalates; and
6. If possible, remove audience from the immediate location.

ACTION STEPS

1. Tell the pupil who is misbehaving to stop and tell him/her the possible consequences of failure to do so.
2. If possible, summon another adult.
3. Continue to communicate with the pupil throughout the incident.
4. Make it clear that physical intervention will cease as soon as it is no longer necessary.
5. Appropriate follow-up action should be taken, which may include:
 - providing medical support;
 - providing respite for those involved; and
 - accessing external advice/support.

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 when handling a problem.

Appendix 3

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.

Appendix 4

RECORD OF THE USE OF REASONABLE FORCE

Date of incident: Time of Incident:

Pupil Name: Date of Birth:

Member(s) of staff involved:

Adult witness(es) to incident:

Pupil witnesses to incident:

Outline of event leading to incident, including place where incident occurred, description of pupil's behaviour and steps taken to defuse the situation other than physical intervention:

Outline of incident including reason for use of reasonable force, how it was applied and for how long:

Measures taken following the incident (eg respite for pupil(s), support for teacher(s)):

Description of any injury(ies) sustained by anyone, any subsequent treatment and any damage to property:

Date parent/carer informed of incident: Time:

By whom informed:

Outline of parent/carer response:

Signature of staff completing report: Date:

Signature of Teacher-in-charge: Date:

Signature of Principal: Date:

Brief description of any subsequent inquiry/complaint or action:

Appendix 5

GLOSSARY OF TERMS

Reasonable force

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 (this definition is further amplified in paragraph 4.2).

Physical intervention

Action taken by members of staff consistent with examples set out in paragraph 5.2 and used in circumstances set out in paragraph 5.1.

Restraint

A set of techniques which should be applied **only in extreme circumstances by individuals who have undertaken accredited training and who have been authorised to use such techniques by the school principal.**

Signed _____
Chairperson of B.O.G

Date _____