

Use of Reasonable Force



Agree Date	Review Date	Person Responsible
May 2024	May 2026	Mr Smith

Introduction

This policy has been written primarily based upon the guidance in the DENI circular 1999-9 which can be found at: <https://www.education-ni.gov.uk/sites/default/files/publications/de/circular-1999-9-reasonable-force.pdf>

It is extremely important that the relationship between pupil and adult is set on a firm professional basis which leaves no room for the misinterpretation of any act or instruction. The purpose of this policy is to establish clear guidelines for the use of reasonable force by staff authorised to do so, by the Principal, and the subsequent procedures to be followed if such action is undertaken. It is important to stress from the very outset that under no circumstances should staff use force as a means of corporal punishment.

WHO MAY USE REASONABLE FORCE?

Teachers

Article 4 of the 1998 Order authorises teachers to use reasonable force:-

- Where a criminal offence is being committed;
- Where pupils may injure themselves or others;
- Where the behaviour is prejudicial to maintaining good order and discipline at the school or among pupils;

Non-Teaching Staff

Other members of staff at Earlview Primary School and Nursery are also authorised to use reasonable force in the circumstances described above, provided they have been authorised to have lawful control of the pupils.

Volunteers

Vetted volunteers normally work only under the direction and supervision of a teacher or other member of staff and are not expected to assume sole responsibility for the safety and well-being of the pupils. When 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 and residential activities where some degree of delegated responsibility may have to be given to 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 they have received the appropriate training and guidance.

WHERE CAN REASONABLE FORCE BE USED?

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. on a field trip, in a bus queue or other authorised out of school activity such as a sporting event.

WHAT IS MEANT BY REASONABLE FORCE?

There is no precise legal definition of 'reasonable force' so the level of force used will always depend on the circumstances of each case. However, staff should consider the following:

- The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it. Physical force should never be used to prevent a pupil from committing a trivial misdemeanour, or in a situation that could clearly be resolved without force.

- The degree of force employed must be in proportion to the circumstances 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.

Reasonable force should not be automatically used in every situation and it should never 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.

WHEN MIGHT IT BE APPROPRIATE TO USE REASONABLE FORCE?

The appropriate use of reasonable force may be considered for use:

- where action is necessary in self-defence or because there is an imminent risk of injury;
- where there is a developing risk of injury, or significant damage to property;
- 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 which he/she might have or cause an accident likely to injure him/herself or others;
- **a pupil absconds from a class or tries to leave school (NB this only applies 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 the request to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

Some practical considerations to be taken into account:

There is no legal definition of 'reasonable force', but three criteria are established for guidance:-

- if the circumstances of the incident warrant it;
- the degree of force must be proportionate to the circumstances;
- the age, understanding and sex of the pupil.

Minimum force should only be used and it should never be used as a punishment.

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 a pupil.**

If the school is aware that a pupil is likely to behave in a way that the use of reasonable force is required, staff will plan how to respond if the situation arises. Such planning will 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);
- Ensuring that additional support can be summoned if appropriate.

WHAT MIGHT BE REGARDED AS 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.

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 a pupil by the hair or ear;
- holding a pupil face down on the ground.

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

RECORDING INCIDENTS OF REASONABLE FORCE

All incidents, which have warranted the use of reasonable force, must be recorded in detail. Immediately after any such incident the member of staff must inform the Principal or a senior member of staff and provide a short written factual report as soon as possible afterwards. This is to be emailed to the most senior member of staff in school that day.

The 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;
- signed witness statements
- 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.

MONITORING OF INCIDENTS REQUIRING THE USE OF REASONABLE FORCE

Following the detailed recording of a serious incident, the Principal or delegated person will:

- read all accounts of the incident;
- interview staff (both teaching and support) and pupils who witnessed the incident;
- discuss the incident with the pupil or pupils who were directly involved. It is important that pupils be provided with the opportunity of giving their own version of events, particularly in cases of divergent opinion or fact, and they should be encouraged, and if necessary helped, to prepare a written statement;
- ensure that parents and/or guardians or other persons with parental responsibility (such as social workers) have been informed of all the relevant facts;
- ensure that the Education Authority Northern Ireland and the Chairman of the Board of Governors have had the incident drawn to their attention;
- ensure that all concerned are aware of their rights of complaint;

- review school policies and consider if they serve the best interest of all parties and whether alternative policies or changes to the existing policy need to be considered.

RECEIVING AND NOTING COMPLAINTS

A written record will be kept of all complaints. This recorded information must include when and where the incident occurred and include as much detail of the alleged injuries or abuse as possible. A written record may be in the form of a letter from the child's parent or guardian or a detailed account of a verbal complaint. After a complaint is received the Principal will confirm to the complainant that a full and detailed investigation will be conducted immediately.

If a complaint is received from a member of staff who has been verbally or physically assaulted, the following actions will be undertaken by the Principal:

- Proffer immediate support and help to the member of staff to deal with any trauma and re-establish confidence;
- Offer medical support if any physical injury has been sustained and recommend a visit to the doctor;
- Report the incident to the appropriate Education Officer and legal department at the Education Authority Northern Ireland;
- Compile a list of witnesses, conduct interviews and collect statements;
- Provide the member of staff with a copy of the incident report and notes of any subsequent interviews and statement of witness;
- Where appropriate inform the Police;
- Advise the member of staff to contact their union or professional association immediately before responding to any aspect of the complaint.

CONDUCTING AND CONCLUDING AN INVESTIGATION

In conducting an investigation the Principal, or appointed investigator, will need to ensure that all appropriate evidence is considered. If, having examined all the facts, the Principal is satisfied that the course of action taken during the incident complied with the school's policies as approved by the Board of Governors, and DENI's

guidelines and directives, and that in the circumstances there was no other reasonable course of action available, or no case, then the following procedures will conclude the matter:

- Notify the complainant of the outcome of the investigation;
- Notify the pupil's parents or guardians, or responsible person or agency, of the outcome of the investigation. (It is not a requirement to reveal the detail.)
- Notify the Education Authority Northern Ireland (where appropriate) and the Chairperson of the Board of Governors;
- Record the outcome of the investigation, sign the record of the incident, ensuring a copy is placed in the appropriate file.

Subsequent to this conclusion, consideration may need to be given to the possibility of disciplinary action against the member of staff or pupil. This will be pursued in accordance with the approved school policies on discipline and behaviour.

CASES REQUIRING FURTHER ACTION

If the Principal concludes, after investigation, that a complaint has substance, then further action will be required. Depending on the nature of the complaint, and to whom it is directed, one or more of the following courses of action may become necessary.

- Child Protection procedures dictate when complaints should be referred;
- In a case of complaint from a pupil, the incident may require further investigation under the Child Protection procedures appertaining to the school. Parents or guardians must be immediately informed in writing if this is the outcome;
- In a case requiring disciplinary proceedings against a member of staff, the Board of Governors and the Education Authority Northern Ireland will be informed and all statutory employment legislation and agreed procedures followed. Members must make themselves aware of the requirements of the Child Protection procedure and act accordingly;

- In a case of a complaint by a member of staff, ensure appropriate action is taken against the pupil or member of staff if the complaint is found to have substance.

At least annually, the Chairman of the Board of Governors and the Principal will review the entries in the incident book. Records will be kept for a minimum of 5 years after the date they occurred (as recommended in DENI Circular 1999/9).

All incidents involving the use of reasonable force will be reported to the parents of the pupils involved. The parents will be given the opportunity to discuss the incident with the Principal.

COMPLAINTS ABOUT THE USE OF REASONABLE FORCE

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. However, in the event of any complaint from a parent about the use of reasonable force on his/her child it will be dealt with in accordance with the procedures set out in the booklet accompanying DENI Circular 1999/10 (Pastoral Care in Schools: Child Protection).

STAFF DEVELOPMENT

It is the policy of Earlview Primary School and Nursery that the use of reasonable force should only be used if all other behaviour management strategies have been employed or the incident warrants immediate action. It is the policy of this school to make all staff aware of the different management strategies available to them through staff training in the form of school based INSET and attendance at Education Authority Northern Ireland courses.

The school will also seek advice from the Education Authority Northern Ireland's Behaviour Support Service if staff are concerned about the possibility of any pupil becoming involved in behaviour that may warrant the use of reasonable force. It is the policy of the school to be proactive rather than reactive with respect to the use of reasonable force.

CONCLUSION

Each and every incident where restraint is used will have to be examined on its merits. Staff and other authorised people are advised to be very cautious before using restraint and must be aware of our school's policy on Positive Behaviour. Everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so.