



Phoenix
INTEGRATED
PRIMARY SCHOOL
Achieving & Celebrating Together

Safe Handling Policy and Procedures

Ratified October 2022

Signature:

Stuart Marriott (Chairperson)

Due for review: Term 1 2023/24 (following receipt of updated guidance from the Department of Education)

1.0 Context

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.

The policy is set in the context of the school's Mission Statement and forms part of the school's overall pastoral care policy. It is closely related to the school's other policies on 'Promoting Positive Behaviour' and 'Child Protection'.

This policy was developed taking account of

- the United Nations Convention on the Rights of the Child (Article 12); International 1989 (UK 1991)
- the Education (NI) Order 1998 (Article 3) which requires Boards of Governors to ensure that policies are designed to promote good behaviour and discipline on the part of the pupils;
- the Education (NI) Order 1998 (Article 4) which clarifies the powers of members of staff of a grant-aided school regarding the use of reasonable force;
- the Education and Libraries (NI) Order 2003 (Articles 17 + 19) which imposes a duty on Boards of Governors to safeguard and promote the welfare of pupils; and
- the Human Rights Act 1998 which provides for the right to education.
- The Department of Education 'Review of the Use of Restraint and Seclusion in Educational Settings in Northern Ireland' (March 2022)

This policy and our procedures have been developed in line with guidance from:

- The Department of Education NI circular 1999/9;
- DE document "Towards a Model Policy in Schools on the Use of Reasonable Force" August 2002;
- Pastoral Care in Schools: Promoting Positive Behaviour (2001);
- Pastoral Care in Schools – Child Protection: Code of Conduct for Staff (1999/10) paragraphs 69 to 72; and
- DE Circular 2003/13 Welfare and Protection of Pupils.
- DE Circular 2021/13 'Interim Guidance on the Use of Restraint and Seclusion in Educational Settings'

No matter how skilfully and sensitively pupils are managed, a small minority will occasionally engage in aggressive behaviour, which threatens the safety of other pupils and staff. 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.

2.0 Aim of the Policy

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.

The objectives of this policy are:

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 that is unnecessary, inappropriate, excessive or harmful.
- 2.4 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.

3.0 Our practices

3.1 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 emergency situations.

Preventative strategies for inappropriate behaviour(s) are detailed in our school's Positive Behaviour Policy especially defusing and de-escalating conflict/confrontation or aggression.

The behaviour of the vast majority of pupils in a 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.

Risk assessment will be considered only for those pupils where there is a foreseeable risk and to enable the school to plan and train accordingly. In order to minimise the risk of incidents escalating unnecessarily due to lack of foresight, planning and training, the school will carry out a risk assessment under two headings:

- Environmental Risk Assessment; and
- Individual Risk Assessment.

3.1.1 Environmental Risk Assessment

The school will carry out a risk analysis within the school 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 will be made of all past incidents in the school to identify medium to high risk locations. Staff and pupil opinion will also be canvassed to augment this information. On the basis of the analysis, the Principal and Senior Management Team will make recommendations to the Board of Governors on the type and level of supervision which will be required to minimise risks.

3.1.2 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, it 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.

4.0 What the laws says

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;
- UN Convention on the Rights Of The Child 1989 – (Articles 12, 16 and 19);
- UK 1991;
- Education (NI) Order 1998 (Part II Article 4(1));
- Human Rights Act 1998 – Articles 3 and 5 of the European Convention on Human Rights;

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 teacher 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

5.0 When should reasonable force be used?

Corporal punishment remains unlawful, and that neither Article 4 nor this Policy, in any way, authorise teachers nor 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.

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 should take the following into consideration:

- Whether it is reasonable to use force in the particular circumstances, 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.

Non-teaching staff

Other members of staff at the school are also authorised to use reasonable force in the circumstances described 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.

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 member of staff has 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.

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, for example, in bus queues or on field trips, or on sporting, cultural or educational visits;
- 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.

6.0 What might be regarded as constituting reasonable force?¹

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.

¹ All examples given in this policy should not be considered an exhaustive list.

7.0 Is it appropriate to use reasonable force in every situation?

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.

Any action which could exacerbate the situation needs to be avoided, and the possible consequences of intervening physically, including the risk of 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.

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 a 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.

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

Neither Article 4 nor this policy and procedure 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 is entitled to intervene whether or not specifically authorised by the Principal to do so.

The purpose of Article 4 and this policy is to make it clear that teachers, and authorised staff, are also entitled to intervene in other, less extreme, situations.

9.0 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 (e.g. in an emergency), there are a wide variety of circumstances in which reasonable force might be appropriate, or necessary, to restrain 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;

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).

10.0 Process for using reasonable force

Before intervening physically, a member of staff should seek to deploy other behaviour strategies.

The member of staff will continue attempting to communicate with the pupil throughout the incident, and will 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 must 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 will 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 will inform the pupil(s) that he/she has sent for help. Until assistance arrives the member of staff will 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, an emergency response procedure will be actioned whereby assistance can be summoned quickly, for example, a trusted pupil is sent for help.

11.0 Reporting incidences of use of reasonable force

This policy designates the Principal and the designated teacher for child protection as having special responsibility for providing guidance to other staff on the use of reasonable force. The Principle will 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.

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 will tell the Principal or a senior member of staff and provide a short written factual report as soon as possible afterwards. That report will 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 (e.g. 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 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.

Confidentiality and the young person's right to privacy will need to be ensured.

The pupil's views on the incident will also be recorded as soon as possible, preferably on the same day.

Staff may find it helpful to seek advice from a senior colleague (e.g. 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 must also keep a copy of the report for their own reference.

The use of physical intervention can be upsetting to all concerned, therefore, it is important to ensure that staff and pupils are given emotional support and where required basic first-aid treatment.

Immediate action will be taken to ensure that medical help is accessed for any injuries that require more than basic first-aid. All injuries will be reported and recorded in accordance with the school's procedures – parents/carers must be informed and allowed an opportunity to discuss.

Where it is clear that the teacher/member of staff concerned needs further support, advice or training, the Principal will take prompt action to ensure it is provided.

The school's designated first aider will check for injuries or provide first-aid or arrange for medical aid, and will ensure that staff and children are provided with support after incidents.

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.

12.0 Complaints

Any complaint from a parent about the use of reasonable force on his/her child will be dealt with in accordance with the procedures set out in the school's Parental Complaint Policy.

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.

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

13.0 Training and Development

The school will endeavour to ensure that all staff know and understand their roles and responsibilities in relation to the management of pupils. Although it is anticipated that incidences involving the use of reasonable force or physical intervention will be infrequent, all staff must 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.

New staff will be given a copy of the policy during induction and a senior member of staff will advise on its implementation.

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’. The Principal will confirm with all members of staff whether or not they meet the terms of this definition.

As part of the school’s training and development policy, all staff will receive appropriate training in the use of preventative strategies and approaches for managing difficult situations when they arise.

Governors, staff, parents and pupils will be involved in the development of this policy and must be involved in any review.

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

The school SENCO should 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.

Appendix 1

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 (for example, committing an offence and/or causing injury or damage to a person or property) 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 2

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 3

SAFE HANDLING RECORD

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 (e.g. 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 parent/carer informed of incident:

By whom informed:

Outline of parent/carer response:

Signature of staff completing report:

Date:

Signature of Teacher-in-charge

Date:

Signature of Principal:

Date: