



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

Policy Reviewed: Annually

Maine IPS has a pastoral responsibility towards the pupils in their charge and 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 Maine IPS also have a duty to promote and secure good behaviour and discipline on the part of pupils at the school.

Article 4 of the Education (Northern Ireland) Order 1998, which came into force on 21 August 1988, 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, reasonable force to restrain or control pupils in certain circumstances. **However 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.** 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. 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.

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;
- 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.
- Volunteers may be authorised by the Principal to use reasonable force in exceptional circumstances where a member of the school staff is not readily available to deal with an incident and where it is possible, that significant harm may occur if action is not taken immediately.

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

Neither Article 4 nor the guidance contained in this policy 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. But 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.

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.

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. 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.

However, if it is necessary, the degree of force will depend on the circumstances of every case. It must be in proportion to the circumstances of the incident and seriousness of the behaviour. Any force used should always be the minimum needed to achieve the desired result. **It is emphasised that corporal punishment remains unlawful, and teachers or others are not authorised to use any degree of physical contact which is deliberately intended to cause pain or injury or humiliation.**

Recording of Incidents

It is extremely important that there is a detailed, contemporaneous, written report of any occasion 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. The school will keep an up to date record of all such incidents, in an incident file. Immediately following any such incident, the member of staff concerned should tell Mrs McCann (Teacher in charge of Child Protection) or Mr Costelloe (Deputy designated teacher in charge of child

protection) 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
- details of any obvious or apparent injury suffered by the pupil or any other person, and of any damage to property.

Annually, the Chairman of the Board of Governors and the Principal should review the entries in the incident file. Records of incidents should be kept until the child is 21 years old.

Staff may find it helpful to seek advice from a senior colleague (eg Mr Costelloe or Mrs McCann) or a representative of their professional association when compiling a report.

Incidents involving the use of force can cause the parents of the pupil involved great concern. Parents would be informed of an incident involving use of force and they would be given 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.

If parents have any concerns these should be reported to Mrs McCann, Mr Costelloe or the Chair of the Board of Governors.

Revised September 2017