

PHYSICAL RESTRAINT POLICY

This policy sets out the legal position and School policy concerning any form of physical restraint offered by a member of staff to a boy.

Situations involving decisions about whether to use force or restraint can occur in any School. Both using force and, conversely, deciding not to can entail significant risks for boys and staff. Establishing a clear School policy on the use of force by staff is an important part of minimising these risks.

AIMS

The aims of the Physical Restraint Policy are to maintain the safety and welfare of all staff and boys at Tonbridge School, to prevent serious breaches of School discipline and to prevent serious damage to property.

THE LEGAL POSITION

Established by the Education and Inspections Act 2006. This policy takes note of section 45 of the Violent Crime Reduction act and also non-statutory guidance from the DfE entitled 'Use of Reasonable Force: Advice for Headteachers, Staff and Governing Bodies'. July 2013 as well as Section 550ZB5) of the Education Act 1996. Section 93 of the Education and Inspections Act 2006 enables School staff to use such force as is reasonable in the circumstances to prevent boys from doing, or continuing to do, any of the following:

- Committing any offence (or, for a boy under the age of criminal responsibility, what would be an offence for an older boy).
- Causing personal injury to, or damage to the property of, any person (including the boy himself).
- Prejudicing the maintenance of good order and discipline at the School or among boys receiving education at the School, whether during a teaching session or otherwise.

KEY POINTS

The key features of this policy are:

- School staff have a legal power to use reasonable force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action;
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force;
- School leaders should support their staff when they use this power appropriately;
- Schools cannot use force as a punishment;
- It is not illegal to touch a boy. There are occasions when physical contact, other than reasonable force is proper and necessary (e.g. comforting a distressed boy, demonstrating a musical instrument or coaching technique or congratulating a boy or giving First Aid).

Headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for "prohibited items" (knives and weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images, any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property). Force cannot be used to search for items banned under the School rules.

MINIMISING THE NEED TO USE FORCE

Tonbridge has put in place a number of measures to minimise the likelihood of situations arising where the use of force may be required. These measures include a Philosophy of Care, a Staff Code of Conduct, the Memoranda, a Behaviour, Rewards and Sanctions Policy, an Anti-Bullying Policy, a Problems and Complaints Procedure for Boys and engagement with the student body through the

student voice agenda. Issues of conflict resolution and classroom management are dealt with during Induction for new staff and through ongoing CPD for the Common Room.

Colleagues are always advised to de-escalate incidents if they do arise and must only use reasonable force when the risks involved in doing so are outweighed by the risks involved in NOT using force. However, where practicable, a warning should be given to a boy that force may have to be used, before using it.

Where there are specific educational and emotional needs of boys that need to be taken into account it is good practice to carry out regular assessments of the risks posed to the boy and to colleagues.

For a member of staff who experiences persistent provocation, support and advice is available which may assist him or her in dealing with the situation. In those circumstances, the member of staff is strongly encouraged to discuss the difficulty at an early stage with the relevant Housemaster(s), their Head of Department, other senior colleagues, the Deputy Head Pastoral, the Second Master, or the Headmaster.

STAFF AUTHORISED TO USE FORCE

The use of reasonable force or physical restraint is a power delegated by the Headmaster to all staff who have control or charge of boys, including unpaid volunteers or parents accompanying boys on a school organised trip. This is a permanent authorisation. Colleagues are reminded in their induction process of their statutory powers to use force and are explicitly informed of their responsibilities in relation to the School policy on the use of reasonable force.

Deciding whether to use Force

The judgement on whether to use force and what force to use should always depend on the circumstance of each case and information about the individual concerned. Typically, such decisions have to be made quickly with little time for reflection. Nevertheless, in general terms it would be appropriate for staff to intervene only when:

- The potential consequences of not intervening are sufficiently serious to justify considering the use of force;
- The chances of achieving the desired result by other means are low;
- The risk associated with not using force outweighs those of using force.

There may be occasions when a member of staff should not intervene physically without assistance, particularly if a boy appears likely to resist.

Using Force

Staff should only use the minimum force necessary to achieve the desired result. Before using force staff should, wherever practicable, tell the boy to stop misbehaving and communicate in a calm and measured manner. Staff should not give the impression of acting out of anger.

A verbal warning should always precede any use of physical force.

What is ‘reasonable force’?

Force is used either to control or restrain. Types of force used could include:

- Passive physical contact such as blocking a boy’s path or standing between boys.
- Active physical contact such as leading a boy by the arm or placing a hand in the middle of the back to usher a boy away.
- Any form of restraint likely to injure a boy should only be used in emergencies, such as preventing a boy from running into a busy road or preventing a boy from seriously injuring another boy.

As far as possible staff should not use force unless another responsible adult is present to support, observe and call for assistance.

RECORDING INCIDENTS

A written report or an email account of incidents should be made immediately and sent to the Headmaster. This should include name(s) of boy(s), the time and place of the incident, names of witnesses, the reason for the force being necessary, and how the incident began and progressed. In addition, the boy's response and the outcome should be described. Details of any injuries suffered should be recorded. Parents should be informed of any recordable incident by a boy's Housemaster or, in more serious cases, by the Headmaster, Second Master or DSL.

Any member of staff who uses physical force against any boy, whatever the circumstances should inform the Headmaster or Second Master immediately.

COMPLAINTS AND ALLEGATIONS

Parents and boys have a right to complain about actions taken by School staff. Where there is unsatisfactory resolution of an incident requiring the use of force, the Complaints Procedure is available to parents and boys.