

PHYSICAL RESTRAINT POLICY

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

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

Reference to Other School Policies

This policy should be read in conjunction with the policies and documents listed below:

- Safeguarding;
- Behaviour Rewards and Sanctions Policy;
- Anti-Bullying Policy;
- Alcohol and Smoking (Boys) Policy;
- Drugs Policy;
- Self-Harm Policy;
- Searching and Confiscations Policy;
- Memoranda;
- Staff Code of Conduct;
- Teaching and Learning Policy;
- Trips and Educational Visits Policy;
- Staff Trips Handbook;
- Emergency Procedures Policy;
- Fire Safety Policy;
- First Aid Policy;
- Medical Policy;
- Pastoral Care Policy;
- Philosophy of Care;
- Pastoral Handbook;
- Privacy Notice for Boys;
- Statement of Boarding Principles;
- Complaints Procedure for Parents Policy;
- Bounds Safety Hazards and Risk Assessments for Pupils.

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 or physical restraint 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 or physical restraint 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 or physical restraint;
- School leaders should support their staff when they use this power appropriately;
- Schools cannot use force or physical restraint as a punishment;
- It is not illegal to touch a boy. There are occasions when physical contact, other than reasonable force or physical restraint 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 or physical restraint 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, and any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property). Force or physical restraint cannot be used to search for other items banned under the School rules.

What is ‘reasonable force’?

The term ‘reasonable force’ covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with boys. Force is usually used either to control or restrain. This can range from guiding a boy to safety by the arm through to more extreme circumstances such as breaking up a fight or where a boy needs to be restrained to prevent violence or injury.

- ‘Reasonable in the circumstances’ means using no more force or physical restraint than is needed.
- Control means either passive physical contact, such as standing between boys or blocking a boy's path, or active physical contact such as leading a boy by the arm out of a classroom.
- Restraint means to hold back physically or to bring a boy under control. It is typically used in more extreme circumstances, for example when two boys are fighting and refuse to separate without physical intervention.

School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the boy.

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

MINIMISING THE NEED TO USE FORCE OR PHYSICAL RESTRAINT

Tonbridge has put in place a number of measures to minimise the likelihood of situations arising where the use of force or physical restraint 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 Searching and Confiscations 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 force or physical restraint when the risks involved in doing so are outweighed by the risks involved in NOT using force or physical restraint. However, where practicable, a warning should be given to a boy that force or physical restraint may have to be used, before using it.

Where there are specific educational and emotional needs of boys that should 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 OR PHYSICAL RESTRAINT

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 or physical restraint and are explicitly informed of their responsibilities in relation to the School policy on the use of reasonable force.

Deciding whether to use Force or physical restraint

The judgement on whether to use force or physical restraint and what force or physical restraint 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 or physical restraint;
- The chances of achieving the desired result by other means are low;
- The risk associated with not using force or physical restraint outweighs those of using force or physical restraint.

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 or physical restraint

Staff should only use the minimum force necessary to achieve the desired result. Before using force or physical restraint 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 or restraint.

RECORDING INCIDENTS

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

Any use of physical restraint should be recorded on CPOMS by the member of staff and they must ensure that they alert the Headmaster to this incident. The account should include the name(s) of boy(s), the time and place of the incident, names of witnesses, the reason for the use of force or physical restraint 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.

The DSL, Second Master and Headmaster will record all such incidents and review all occasions where the use of force or physical restraint is used. They will take appropriate action to prevent the inappropriate use of force or physical restraint and will take effective action when inappropriate force or physical restraint has been used. This might take the form of additional training and support to enable staff to de-escalate potential confrontations between boys, or potentially violent behaviour, to minimise the need for restraint. It can also involve a disciplinary procedure against the member of staff.

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 or physical restraint, the Complaints Procedure is available to parents and boys.