

Use of Physical Control

Definition and Legal Status

NB: Corporal punishment and smacking are unlawful in all VPC settings.

Restraint is when a child or young person is physically held by one or more members of staff. It can also be restricting their movement, like stopping them from getting in and out of rooms.

Cadet leaders may in extreme circumstances find themselves in a position where they must use physical force on cadets to protect themselves, others, or even the cadet themselves in the event of self-harming. Any use of force should as always be “reasonable in the circumstances” and necessary.

A leader will not be taken to have used corporal punishment if the action was taken for reasons that include averting an **immediate danger of personal injury** to, or an immediate danger of death of, any person including the cadet.

Under **no circumstances** should physical force be used as a form of punishment. The use of unwarranted or disproportionate physical force is likely to constitute a criminal offence.

The law and ‘guidance for *schools*’ states that leaders may reasonably intervene to prevent a child from:

- Committing a criminal offence
- Injuring themselves or others
- Causing damage to property
- Engaging in behaviour prejudicial, to good order and to maintain good order and discipline.

Great care must be exercised in order that leaders do not physically intervene in a manner which could be considered unlawful.

National VPC Statement

Leaders should **not** use any form of degrading or humiliating treatment to punish a cadet. The use of sarcasm, demeaning or insensitive comments towards cadets is completely unacceptable.

Where a cadet has specific needs in respect of particularly challenging behaviour, **a positive behaviour plan, including assessment of risk**, should be drawn up and agreed by all parties, including, for example, a medical officer where appropriate. Training in relation to positive handling should also be given to the staff members involved.

In all cases where physical intervention has taken place, it is expected that a incident report is completed along with subsequent actions and report these to the Force Lead for Cadets and the cadet's parents/carers.

Similarly, where it can be anticipated that physical intervention is likely to be required, a plan should be put in place and a robust risk assessment which is reviewed regularly and, where relevant, a physical intervention plan. Parental consent does not permit settings to use unlawful physical intervention or deprive a cadet of their liberty. Full consent **MUST** be gained from parent/carer in advance wherever possible.

Updates to this report should also be submitted until that senior officer is satisfied the matter has been resolved adequately. If there is a safeguarding concern, such as self-harm, then the DSL and National Safeguarding Manager should also be informed of the incident. In addition, it may be wise to draft a letter to the parent/carers of the cadet explaining:

- What force was used on the cadet.
- Brief circumstances.
- Any first aid/medical intervention that was required as a result of the use of force.
- The fact that the matter has been referred to the senior officer.
- Contact details of the senior officer in case they wish any further information.

Any sanction against the cadet that has been decided immediately and the format of any future discipline action

Related Guidance

The Human Rights Act – A Law in the UK that protects children and Adults alike from abuse of their human rights.

United Nations Convention of the Rights of the Child 1989 – A convention the UK government signed up to in 1989 that protects children (under the age of 18 years) human rights.

Rights 4 Children – A good A-Z section written for children and young people to understand their rights. <https://rights4children.org.uk/restraint-and-use-of-force/>