

DEHCHO DIVISIONAL EDUCATION COUNCIL
POLICY STATEMENTS

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Policy Type: COUNCIL/DEA RELATIONSHIP
Policy Number: 3.13
Policy name: PHYSICAL RESTRAINT OF STUDENTS

-Background-

Whereas a ‘student’ is defined in the NWT Education Act 1. (1) (c) as: *a person who is registered with a school under this Act; (élève)*

And whereas a student has the responsibility to conduct himself or herself responsibly while on school premises 22 (1) (a)

And whereas Section 43 of the Canadian *Criminal Code* provides a defence to conduct that may not be covered by other available defences, stating that: *‘Every school teacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances’*, and whereas: *‘Parents/caregivers can only use corrective force (or physical punishment) that is minor or “transitory and trifling” in nature’*.

And whereas Physical restraint is defined as: ** ‘a method of restricting another person’s freedom of movement or mobility – in order to secure and maintain the safety of the person or the safety of others’*.

-Rationale-

The Dehcho Divisional Educational Council is responsible for maintaining a safe and secure environment for its students and staff. The Board recognizes that there may be situations requiring physical restraint. It is therefore agreed that physical restraint may be applied as per the protocol clarified in the district directive, with the understanding that behavior intervention must promote the rights of the student(s) to be treated with dignity. The purpose of physical restraint is to prevent the student from harming themselves and/or others while not causing further harm to the student.

-Policy-

The Board authorizes its staff members to physically restrain students in limited situations and in accordance with procedures. Physical restraint should be used only *as a last measure* after alternative methods of defusing the situation have failed.

Physical restraint can only be applied after the following considerations have been followed, and always keeping the mental wellness of the student in mind:

(A) The following guidelines must be considered prior to the application of physical restraint?

(B) Physical restraint will only be applied, keeping in mind the following considerations.

- The immediate safety of the student and/or of others is/are at risk; and
- Preliminary steps to calm the student were not successful; and
- The situation is getting out of control; and
- the most minimal physical restraint is applied; and
- The physical restraint is removed as quickly as possible when the student is calmer; and
- Physical restraint could be applied for lesser incidents if the intervention is part of the student's behavior plan.

References:

- NWT Education Act 1 (1) (c) and 22 (1) (a)
- Government of Canada - Criminal Law and Managing Student Behavior (section 43)
- * British Columbia Ministry of Education – Provincial Guidelines – Physical Restraint and Seclusion in School Settings