

# USE OF FORCE AND RESTRAINT POLICY

## (PHYSICAL INTERVENTION)

### FORWARD

Freedom Foundation Alternative Provision is a site for KS1 & KS2 Alternative Provision. They are referred to as Freedom Foundation AP/AP for the benefit of students and this document

### 01 INTRODUCTION

- 01.1** Freedom Foundation believes that it is important to establish a safe, secure and stable environment to enable students to grow, develop and learn. To achieve this, the AP recognises that, in certain circumstances, physical intervention, including safe touch and the use of reasonable force, is necessary.
- 01.2** The AP understands that behaviour is often a means of communication which may signal that a student needs support but does not know how to express this; therefore, the AP takes a proactive approach to anticipating, managing and minimising potential triggers of distressed behaviour that may cause harm.
- 01.3** This policy acknowledges that situations may arise in which staff members will be required to use physical intervention, and in some cases reasonable force, in order to handle students' emotions or aggressive behaviour when other measures have failed to do so.
- 01.4** The aim of this policy is to ensure that physical intervention is used in a correct and safe manner, which is in accordance with the relevant legislation and national guidance.

### 02 LEGAL FRAMEWORK

- 02.1** This policy has due regard to all relevant legislation including, but not limited to, the following:
- Education Act 2011
  - Children Act 1989
  - Equality Act 2010

This policy has due regard to the following guidance:

- DfE (2013) 'Use of reasonable force in schools'
- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2023) 'Keeping children safe in education 2023'
- HM Government (2019) 'Reducing the Need for Restraint and Restrictive Intervention'

### 03 ROLES AND RESPONSIBILITIES

- 03.1** Freedom Foundation are responsible for:
- Monitoring the overall implementation of this policy.
  - Understanding that the Behaviour and Positives Relationships Policy should include the power to use reasonable force.
  - Evaluating, on an annual basis, instances of physical intervention to analyse how and when reasonable force is used and identify any trends.
  - Reviewing this policy on an annual basis.
  - Responding to any complaints, from students or parents regarding the use of reasonable force.
- 03.2** The Head of Provision is responsible for:
- Deciding whether members of staff require additional training to enable them to carry out their responsibilities, considering the needs of students.
  - Ensuring all members of staff understand the correct conduct in terms of positive handling.
  - Handling any allegations of abuse in line with the Allegations of Abuse Against Staff Policy.

- Maintaining the records of the use of reasonable force and evaluating on a termly basis how reasonable force and physical intervention is used.
- Ensuring that any member of staff who uses reasonable force completes the necessary Incident forms on CPOMS.
- Ensuring that the Behaviour and Positive Relationships Policy sets out the circumstances in which force might be used.

### 03.3 The Head of Provision is responsible for:

- Providing training to members of staff on how to handle the needs of students with SEND.
- Ensuring staff understand how students with SEND may react differently to reasonable force.
- Ensuring that staff understand the additional vulnerability of students with SEND or medical conditions.
- Developing individual risk assessments for students with SEND or medical conditions that are agreed with the student's parents, and ensuring teaching staff are aware of these.
- Ensuring that staff understand how reasonable force principles may need to be adapted for students with medical conditions.
- Regularly evaluating how reasonable force and physical intervention is used with regard to students with SEND, in collaboration with the Head of Provision.

### 03.4 The DSL will be responsible for:

- Providing staff with annual reasonable force training where the Head of Provision deems it necessary.
- Ensuring all members of staff use reasonable force in accordance with this policy.
- Reviewing this policy in liaison with the Head of Provision.

## 04 DEFINITIONS

**04.1** For the purposes of this policy, '**physical intervention**' is used to refer to any situation in which physical contact with a student is necessary – this includes reasonable force, e.g. to defuse a situation in which a student is at risk of harming themselves or others, and safe touch, e.g. comforting a student in emotional distress.

**04.2** For the purposes of this policy, '**positive handling**' is defined as the overall, graduated approach of responding to students' behaviour and emotions with the intention of protecting students and staff, and limiting damage to others and property. Positive handling adapts the least intrusive intervention techniques in response to situations, before using physical intervention and reasonable force as a last resort.

**04.3** For the purposes of this policy, '**reasonable force**' is considered to refer to a broad range of actions that may be used to control or restrain a student to prevent that student from hurting themselves or others, from damaging property, or from causing disorder. Reasonable force covers force that is necessary and proportionate to the circumstances.

**04.4** There are two key types of reasonable force:

- '**Control**' – actions used in an attempt to direct a student's movements; this includes passive physical contact, e.g. standing between students or blocking a student's path, or active physical contact, e.g. leading a student out of a classroom by their arm.
- '**Restraint**' – actions used in an attempt to physically bring a student under control. This type of force is typically used in more extreme circumstances, e.g. where two students are fighting and refuse to separate, causing staff to intervene to hold them back from one another physically.

**04.5** For the purposes of this policy, '**safe touch**' is defined as physical contact which, if avoided, would be inhumane, unkind or cause distress to a student, e.g. where a student is significantly distressed and in need of physical comfort.

## 05 POSITIVE HANDLING

**05.1** The principle of positive handling means that the AP expects staff to assess whether the incident requiring a response can be resolved without physical intervention.

Where possible, the AP implements an approach of prevention, where staff will be trained in recognising warning signs of severe pain or distress and/or aggressive behaviour, communicating empathetically with students displaying such signs to aid them in regulating their emotions, and altering their environment to minimise distressing stimuli.

Teaching staff will be aware of the behavioural patterns, medical conditions and levels of need of students in their class and will ensure that incidents of disruptive or aggressive behaviour in the classroom are handled in line with individual students' needs.

- 05.2** Staff will not generally resort to physical contact or reasonable force immediately without first questioning whether there is a need to use physical intervention. Staff will question whether:
- Verbal de-escalation can be attempted.
  - There are actions that can be taken to remove triggers from students, e.g. dimming the lights and encouraging quiet where a student is having a meltdown in response to sensory overstimulation.
  - The student can be removed from the situation without physical intervention, e.g. if they will follow a member of teaching staff out of the classroom.
  - The student has a condition or support needs that mean physical intervention would be inherently more dangerous, e.g. asthma which may be made worse by restrictive holds or sensory issues where physical touch would contribute to sensory overload and may provoke aggressive behaviour.
  - They have the ability, training and adequate support to physically intervene safely without causing unnecessary harm to the student or themselves.

Where there is no immediate risk of harm to themselves or others, destruction of property or serious disruption, reasonable force will not be used on the student. Any reasonable force used in situations that are non-urgent will only be used once all alternative options have been exhausted and where the staff member in charge deems that the situation is escalating.

- 05.3** The AP understands that, in some cases, action may be required very quickly, e.g. in the event that a student attempts to run out into a busy road, or where students begin a violent fight with one another, and staff are forced to pull the students apart. Staff will not be penalised for resorting to the use of physical intervention or reasonable force in such situations where it is justified and perceived necessary to prevent harm to others or property in the circumstances.

- 05.4** Positive handling will be applied with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the student to regain self-control. Reasonable force is not used as a method of behaviour management or discipline – only as a last resort in situations that require de-escalation to prevent harm.

## **06 REASONABLE FORCE**

- 06.1** Staff members will use actions that are appropriate and in proportion to the circumstances. Physical restraint will never be used routinely. Where reasonable force is required, the degree and type of force that is used will depend on the student's circumstances, e.g. their age or SEND. The following list is not exhaustive, but provides examples of situations where the AP may decide to use reasonable force where other methods of defusing a situation have been exhausted or are not appropriate:
- Members of staff need to control students risking the safety of themselves or others outside of AP premises where the same range of support options are not available, e.g. on AP trips.
  - Members of staff must prevent a student from leaving an area, e.g. the classroom or AP grounds, where doing so would risk their safety or the safety of others.
  - A student is attacking a member of staff or another student.
  - A student is at serious risk of harming themselves and a member of staff must intervene to prevent this.
  - The Head of Provision or authorised staff are conducting a search for items prohibited under the Education Act 1996, e.g. knives and weapons, alcohol, and illegal drugs.

- 06.2** All members of staff will be permitted to use reasonable force where they believe it to be appropriate in line with their training, as long as all necessary precautions are taken. The decision to physically intervene during a situation is down to the professional judgement of the member of staff and always depends on the circumstances and the student's individual needs.

- 06.3** The power to use reasonable force also applies to any individual whom the Head of Provision has identified as temporarily in charge, such as volunteers.

In many cases where physical intervention or reasonable force is required, minimal and non-restrictive force will be appropriate, e.g. holding a student's arm to escort them from a classroom.

Reasonable force techniques that involve restraint will only be used where the staff member in charge feels it is necessary to prevent serious harm. In general, restraint will only be used briefly and

- 06.4** Where staff determine physical intervention is necessary, they will calmly communicate the reasons for their actions to the student and explain why it is necessary in a non-threatening manner. In most cases, staff will communicate this to students before making physical contact to minimise distress and/or further aggressive behaviour from the student; however, the AP recognises that this is not possible in some emergency situations.
- Staff will never give the impression that they are acting out of anger or are punishing the student. Staff members will always avoid acting in a way that could cause injury; however, the AP understands that accidental injury may occur in emergency situations where there is not sufficient time for a considered response, e.g. bruising on a child's wrist where a staff member has grabbed them to prevent them running onto a busy road.
- 06.5** Where a member of staff believes that they are at risk, e.g. where an injury is likely to occur, they will not intervene in an incident without the help and assistance of another staff member.
- Reasonable force techniques which present an **unacceptable** risk and will not be used under any circumstances include:
- The 'seated double embrace' where two staff members force a student into a sitting position and lean them forward whilst a third staff member monitors their breathing.
  - The 'double basket-hold' in which a student's arms are held across their chest
  - The 'nose distraction technique' which involves a sharp upward jab under the student's nose.
- 06.6** Staff will also be aware that, in some instances, it will cause more distress to a student, and may increase the risk of harm to their peers, if they are prevented from leaving an area, e.g. their classroom, using physical intervention. Where it is not dangerous to allow them to leave, the staff member in charge of the situation should use their judgement in allowing a student to remove themselves from the area, as environmental factors in the area specifically may be provoking their behaviour.
- Following the incidents where reasonable force is used, the student involved may be subject to separate disciplinary procedures, in which strategies should be formed to help avoid reoccurrence of such incidents.
- 07 STUDENTS WITH SEND**
- 07.1** The AP will have due consideration to the risks posed by the additional vulnerability of students with SEND in terms of physical intervention and reasonable force.
- 07.2** The Head of Provision will ensure that the stipulations of the Equality Act 2010 are adhered to in relation to reasonable adjustments, non-discrimination and the Public Sector Equality Duty, and will ensure that staff that come into regular contact with students with SEND are aware of the ways in which their needs can be met without reasonable force.
- 07.3** The AP is aware that students with SEND may sometimes experience meltdowns, which can sometimes manifest in behaviour which may be aggressive or seem uncontrollable. Where it is known that a student is prone to meltdowns, the Head of Provision will draft a risk assessment to determine planned strategies for managing the student's meltdowns that are tailored to the student's specific needs, to avoid the use of reasonable force. These risk assessments will be conducted in collaboration with the student and their parents, where appropriate.
- 07.4** Some students with SEND may require physical intervention when they feel overwhelmed or stressed, e.g. a tight hug; however, this will be discussed as part of relevant risk assessments.
- Staff members will not assume that a technique employed for one student with SEND will be applicable to other students with SEND.
- 07.5** Staff will also be aware that students with SEND may engage in frequent, repetitive self-stimulatory behaviour, known as 'stimming', and that some students may engage in self-injurious stimming, e.g. repeatedly hitting or scratching themselves. While this can be alarming, staff will be aware that stimming is often carried out as a means of emotional regulation or self-soothing in response to stressful or overwhelming stimuli. Staff members will aim to remove distressing stimuli from the environment, where possible, or will support students to engage in less harmful stimming methods, e.g. by providing them with something to play with or demonstrating a less harmful stim, such as hand flapping.
- 07.6** Staff will be aware that restraining a student in a way that prevents them from stimming entirely can cause extreme distress and lead to further aggressive behaviour. Self-injurious stimming and tactics to support a student to engage in safer stims will be included as part of the student's risk assessment

## 08 POST-INCIDENT SUPPORT

- 08.1** Following an incident of reasonable force, all students and staff members involved will be given any necessary first aid to treat injuries as soon as possible, and emotional support.
- 08.2** Wherever reasonable force is used, staff members and students involved in incidents will be given separate opportunities to reflect on what happened.
- 08.3** It will be explained to the student involved the reason that such intervention was used, and reassured that the use of the intervention was not a punishment for their behaviour, but rather a method of defusing the situation and preventing them from harming themselves or others. The student will be asked about the reasons for their behaviour, including:
- Why their environment was causing such distress for them, e.g. in an instance of sensory overstimulation leading to a meltdown.
  - Whether they feel there was anything that could have been done to meet their needs before the situation escalated.
  - Whether, and how, staff actions were helpful or unhelpful

Staff will be encouraged to reflect on their actions and how they handled the situation, and will be reassured, where appropriate, that they have done nothing wrong and acted in what they perceived to be the best interests of students.

## 09 REPORTING INCIDENTS

- 09.1** A detailed written report will be kept of **all** incidents where reasonable force is used, distinguishing between planned interventions, i.e. those in line with approved strategies for the behaviour of specific students, and unplanned or emergency interventions.
- 09.2** Immediately following an incident, the member(s) of staff involved will verbally report the incident to the Head of Provision and provide a comprehensive written record of the situation as soon as possible, onto CPOMS. The written report of the incident must be thorough, including as much detail as possible as to what had happened before, during and after the incident, the reasons why specific interventions were employed, and any injuries incurred due to the incident.
- 09.3** Records should be retained and analysed by the Head of Provision where physical intervention was used on a student with SEND, to ensure that such interventions are being used appropriately, and to identify patterns of behaviour and responses to that behaviour that may require changes to AP practice, e.g. increased staff training or further behavioural or emotional support.
- Staff members who do not record an instance of reasonable force where it has occurred may be disciplined in line with the Disciplinary Policy and Procedures.
- 09.4** Where reasonable force or physical restraint has been used, the student's parents will be informed as long as this would not place the student at greater risk. If the decision is made that the parents cannot be informed as this would place the child at greater risk, a safeguarding referral will be made in line with the Child Protection and Safeguarding Policy. The Head of Provision will make the final decision as to whether it is appropriate to inform the student's parents of the details of an incident. If it is appropriate, the following will be adhered to:
- Parents will be informed in writing and a copy of this report will be given to the member(s) of staff involved in the incident.
  - The report will inform parents of their right to complain about the use of positive handling and reasonable force, in line with the Complaints Procedures Policy.
- 09.5** If a member of staff witnesses or suspects the use of reasonable force, where another member of staff is actively involved in physical intervention, they will report this to the Head of Provision immediately.

Any allegations against staff will be dealt with as a matter of urgency, and in accordance with the procedures outlined in the AP's Allegations of Abuse Against Staff Policy.

The Head of Provision will be responsible for conducting a thorough investigation to find out the correct details of what occurred; this may include talking to other students about the incident, for instance those who witnessed the event.

## 10 COMPLAINTS

- 10.1** All members of staff will be made fully aware of the consequences and legal retributions that can occur following the incorrect use of physical intervention and force.

All complaints regarding the use of physical intervention or force will be investigated in a thorough and speedy manner. The person making the complaint is responsible for providing evidence for their allegations, e.g. testimony of events or evidence of injury – it is not for the member of staff to prove that their actions were made reasonably.

In extreme circumstances, parents may take civil action or pursue a criminal prosecution. In the case where a member of staff has acted within the law, this will provide a defence to any civil or criminal prosecution.

- 10.2** Members of staff accused of using excessive force will not be automatically suspended as a response to the allegations. The following procedure will be adhered to, in line with the Allegations of Abuse Against Staff Policy:
- Careful consideration will be given to whether the case warrants a person being suspended until the allegation is resolved.
  - The proprietors will always take into account whether a staff member has acted within the law when considering whether or not to take disciplinary action against a staff member involved in an incident.
  - Where a member of staff is suspended, the AP will ensure that the staff member has access to a named contact that can provide support and guidance
  - The AP will provide pastoral care to any member of staff who is subject to a formal allegation.

- 10.3** Where a safeguarding allegation is made against a member of staff that involves physical contact, e.g. restraint, the strategy discussion or initial evaluation with the LADO will take into account that teachers and other AP staff are entitled to use reasonable force to control or restrain students in certain circumstances, including dealing with disruptive behaviour.

## 11 SAFE TOUCH

- 11.1** The AP understands that the following examples are instances of safe touch which may occur between staff and students:

- Comforting an upset or distressed student
- Congratulating or praising a student
- Holding the hand of a student to guide them, such as when crossing a road
- Giving first aid to a student
- Demonstrating exercises or techniques during sports lessons
- Administering medicine
- Using musical instruments

- 11.2** The AP understands that certain types of physical contact between staff and students are inappropriate, e.g. cuddling, lap-sitting and some instances of holding hands, and that safe touch should never be invasive, humiliating or flirtatious.

The AP designates that the only appropriate places on a student's body to touch them are their shoulders, arms and upper back.

- 11.3** Staff employing touch for reward or comfort will use the 'AP hug', rather than an embrace. The AP hug is a sideways hug whereby the member of staff places their hands on the student's shoulders. This type of hug prevents the student from turning themselves towards the member of staff and thus engaging in a 'front' embrace, which the AP deems inappropriate.

- 11.4** The AP recognises that staff will sometimes need to hold a student's hand, e.g. to guide them or prevent them from physical harm. Staff needing to hold a student's hand will use the 'AP hand hold' in order to prevent any inappropriate exchange between staff and students. The AP hand hold involves the member of staff holding their arm out and the student wrapping their hand around the staff's lower arm. If required, the member of staff can then place their free hand on top of the student's for extra security.

- 11.5** The AP understands that students are not always aware of the boundaries between staff and students and thus may try to engage in physical contact, such as lap-sitting or inappropriate hand- holding and hugging. Should a student try to engage in any inappropriate physical contact, the member of staff will explain to the student why it is unacceptable and encourage them to engage in the AP-hug or AP-hand-hold instead.

**11.6** If a member of staff attempts to use one of the safe methods of touch and a student is unhappy or uncomfortable with this, the member of staff will retract immediately in order to respect the student's wishes.

Appropriate touch involving students with SEND will be in line with their EHC plan or IHP

**11.7** Where it is reported that a staff member has engaged, or is suspected to have engaged, in touch that is not appropriate in line with this policy and the Staff Code of Conduct, this will be handled in line with the Reporting Low-level Safeguarding Concerns Policy, or, where there have been multiple reports of inappropriate touch or an instance of touch which is severely inappropriate, the Allegations of Abuse Against Staff Policy.

## **12 REVIEW**

**12.1** We keep this policy under regular review

Review of this Policy: April 2025

Next Review Date: April 2026

Reviewed By: Laura Grant

Position/Role: Director of Freedom Foundation