

## **DfE call for evidence: Use of reasonable force and restrictive practices in schools**

### **Response of the Association of School and College Leaders**

#### **A. Introduction**

1. The Association of School and College Leaders (ASCL) represents over 24,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million children and young people across primary, secondary, post-16 and specialist education. This places the Association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the opportunity to respond to this call for evidence. Our response is based on the views of our members, obtained through discussions at ASCL Council, with relevant advisory groups, and prompted and unprompted emails and messages.
3. When considering the impact of any proposals on different groups, it is ASCL's policy to consider not only the nine protected characteristics included in the Equality Act 2010, but also other groups which might be disproportionately affected, particularly those who are socio-economically disadvantaged. We have answered any equality impact questions on this basis.

#### **B. Key points**

4. This response is written on behalf of both schools and colleges. The existing (2013) guidance for schools needs to be updated and made relevant to all ages and stages. Equivalent guidance is needed for colleges. Schools and colleges work with many of the same age students from age fourteen through to adults, so we would anticipate much of the content of the guidance for colleges being similar to that for schools, but made appropriate to these different settings.

#### **C. Answers to specific questions**

**Question 1: What are your or your child's experiences of incidents of reasonable force including restraint or restrictive practices in school? Please provide any lessons learned from these experiences.**

5. Not applicable

**Question 2: What are the most effective early interventions schools can use to help prevent the need to use reasonable force, restraint or a restrictive practice? If**

**applicable to your experience, please refer to effective interventions used to support pupils with SEND.**

6. The most effective early intervention in schools and colleges is to have a clear policy and code of behaviour and conduct on the use of reasonable force and restraint, and to ensure that everyone (learners, staff, parents and other stakeholders) is aware of these. Awareness raising and training from professionals are key for staff.
7. This is a highly charged subject. It is important that schools and colleges seek professional advice on this matter, although centralised guidance is also helpful to ensure consistency in practices.
8. The use of trauma-informed practices, low-arousal techniques and inclusive teaching have, in the experience of ASCL members, reduced the need for the use of reasonable force or restraint.
9. ASCL believes any guidance should make explicit that restraint is seen a last resort, not an intervention.

**Question 3: The current ‘Use of reasonable force’ guidance, 2013, states that head teachers need to “take their own decisions about staff training and head teachers should consider whether members of staff require any additional training to enable them to carry out their responsibilities.”**

**Do you think national training standards on the use of reasonable force, restraint or other restrictive practices should be developed or adopted?**

10. Yes, national standards should be developed and adopted

**Question 3a: Please explain the reasons for your choice. If you selected yes, what should be included in these standards?**

11. National standards should reflect the different ages and stages of learners in schools and colleges. They should give particular emphasis to the flexibility required when supporting children or young people with disabilities or vulnerabilities, seen or unseen.
12. The development and use of standards would be very helpful for sharing language and expectations of consistent standards whilst explaining and championing the flexible consistency required to meet the needs of young people with protected characteristics.
13. Standards should be designed and developed with schools and colleges and with parents who can share lived experience<sup>1</sup> of restraint.
14. Some special schools and colleges with students with SEND train responsible staff in the use of reasonable force, and this helps to keep students and staff safe. Some colleges in urban areas use security staff, and these staff are usually trained to deal with issues of using reasonable force and restraint as part of their day-to-day work.
15. Training standards should include shared definitions and standardising of technology, and clarity of reporting, monitoring and analysis.

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<sup>1</sup> <https://againstrestraint.com/icars-report/>

16. Schools and colleges require adequate time and funding for staff training to be of value and to genuinely inform everyday behaviour and practice. ASCL's *Blueprint for a Fairer Education System* calls for an increased commitment to ensuring all teachers and leaders have access to, and time to engage in, high-quality professional development.<sup>2</sup>

**Question 4: Aside from training, what are the best ways school staff can be supported to feel confident in knowing how to use reasonable force, restraint or other restrictive practices appropriately and proportionately, and when it is inappropriate to do so?**

17. Training is clearly the best way for staff to feel confident in the use of reasonable force, restraint and other restrictive practices. However, guidance and clear policies and procedures are also reassuring, especially in supporting schools and colleges to make other stakeholders aware of what is expected of them.

18. Education institutions should consider policies and codes of conduct about the use of reasonable force and restraint in the same way that we think of safeguarding and safer recruitment. Such practices should only be used to keep learners and staff safe.

19. Any resources used to support the effective use of restraint or restrictive practices must emphasise the need for evidence-informed practice. In addition to Randomised Control Trials, this should draw on the qualitative research and journaled experiences available to support mainstream and specialist settings understand what what effectively limits the need for restrictive practice and restraint.

**Question 5: The current 'Use of reasonable force' guidance, 2013, sets out four restraint techniques that present an unacceptable risk when used on children and young people and should therefore not be used. The 'Reducing the need for restraint and restrictive intervention' guidance, 2019, states that "people should not be deliberately restrained in a way that affects their airway, breathing or circulation, for example by covering the mouth or nose or applying pressure to the neck region or abdomen."**

**What, if any, types of physical contact or restraint do you consider inappropriate under any circumstances?**

20. This is an area which requires further guidance. Schools and college staff should not feel that they are required to use any kinds of physical restraint which they feel uncomfortable in using. Education institutions should not be required to use the same restraint as, for example, the police or health professionals.

21. Punitive approaches that employ restraint are never appropriate.

**Question 6: The Department for Education has committed to a programme of work to minimise instances of the use of reasonable force, restraint and other restrictive practices in all schools through preventative measures. The updated 'Use of Reasonable Force' guidance will provide school staff with a range of safe and effective approaches when dealing with extremely challenging situations, including preventing a situation from escalating further than it needs to.**

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<sup>2</sup> <https://www.ascl.org.uk/blueprintsum>

**What do you think are the most effective methods of de-escalation? If applicable to your experience, please refer to de-escalation approaches used to support children with SEND.**

22. Again, the area of the “use of reasonable force” needs professional guidance. Special schools and colleges with students with challenging behaviour are used to using a variety of techniques to de-escalate situations. However, the appropriateness of any techniques used need to be reviewed on a regular basis.

**Question 7: How can schools practically ensure they meet their legal duties towards pupils with SEND or in relation to other protected characteristics when assessing the need to use reasonable force, restraint or other restrictive practices and the impact of its use?**

23. Schools and colleges have a legal duty to safeguard their students and staff from harm, and many use policies and codes of conduct which have been developed by Local Authorities or professionals in this field. Again, schools and colleges need guidance on what practices are appropriate and safe.

24. Despite policy efforts to make restraint procedures safer and transparent, the act of restraining a student can be a physically and emotionally exhausting event for both the student and teacher. For this reason, while making restraint safer is a laudable goal, ASCL believes that preventing the need for physical restraint is preferable to restraining a child at all.

25. Building strong and trusting relationships should be an important part of de-escalation behaviours. ASCL members report that attachment-awareness training can be particularly helpful for preventing the use of restraint or restrictive practice, particularly for children and young people with complex needs.

**Question 8: What, if any, support should be provided to pupils, parents and school staff involved after an incident of force, restraint or other restrictive practice? This may include witnesses of an incident.**

26. This is an area where special school staff and those in colleges in inner cities or with large cohorts of students with SEND, or with challenging behaviours, will be familiar. Conselling, guidance, training, mentoring and mediation are all practices which are used.

**Question 9: The current ‘Use of reasonable force’ guidance, 2013, says that “schools should consider how best to record incidents of reasonable force.”**

**In what circumstances, if any, do you think schools should record the use of force or restraint?**

27. Every notable instance, for example, physical restraint rather than redirection such as guiding a pupil by the arm.

28. This is because different people interpret the use of physical restraint in different ways. It is always worth recording any incident which may be a cause of concern to others. Shared definitions within and across schools are important to establish.

**Question 9a: What details about such incidents should be recorded?**

29. Our view is that, to strike an appropriate balance, the following details should be recorded:

- Type of incident
- What happened prior to the incident including any triggers for the incident
- Who was involved
- Time/date including how long incident lasted

30. ASCL supports the recommendations of the [EHRC Inquiry 2021](#) for recording incidents of restraint.

**Question 10: To whom do you think schools should report the data they collect on incidents involving use of reasonable force, restraint or other restrictive practices?**

31. This data should be reported to the following:

- Head teachers/senior leadership
- Parents
- Local authority for child with an Education, Health and Care plan or a social worker

**Question 11: If you have any further comments on best practice, please outline them here.**

32. What is important is transparency and action. In terms of best practice, when in doubt, it is best to record incidents and report them to the appropriate authority.

33. School and college action in response to the collection of relevant data will enable them to analyse data and review support plans and interventions for young people, communicate with relevant stakeholders (staff, parents, children and young people, LA) and work to ensure continuous learning of how to help all students, particularly those with protected characteristics.

**Question 12: How is reasonable force, restraint and other restrictive practices used in your school? Where possible, outline who is authorised to use these practices and why these practices are most often used.**

34. The use of reasonable force, restraint and other restrictive practices varies depending on ages and stages of education and on the location of the school or college. In inner cities, slightly different practices may be used. There is no one model used, although schools and colleges draw on the 2013 guidance.

35. Who is authorised to use the practices varies from school to school and from college to college. However, it is universal that those who are authorised to use the practices must be trained to do so.

**Question 13: How does your school follow up with the people involved in an incident of reasonable force, restraint or other restrictive practice, including the pupil, staff, parents and other pupils who are witnesses?**

36. Best practice is to investigate the incident with those involved as well as witnesses, report the incident to those in authority and follow up with training, counselling or other outcomes as appropriate.

**Question 13a: What, if any, are the barriers preventing schools from following up with parents, pupils and school staff?**

37. There are usually no barriers, other than time or availability. If an incident occurs without witnesses it is more difficult to accurately follow up.

**Question 14: In the 'Behaviour in schools' guidance, 2022, schools are encouraged to have "strong and effective systems for data capture, including all components of the behaviour culture" which should be "monitored and objectively analysed regularly by skilled staff." Additional expectations or requirements over data capture apply in certain settings, such as special schools.**

**What, if any, are the challenges involved in recording data on the use of reasonable force, restraint or other restrictive practices?**

38. This can include the availability of witnesses, time required to record an incident, and use of a clear system of recording. It varies from institution to institution.

**Question 15: Who at your school, if anyone, is trained on how to use reasonable force, restraint or other restrictive practices appropriately, safely and proportionately?**

39. This varies from school to school and college to college. In colleges it tends to be senior staff, staff who work with student services, security staff and those who work with students with challenging behaviours. In schools it tends to be safeguarding leads, but can vary significantly depending on context.

**Question 15a: If known, what did this training cover?**

40. Members report to us that effective training involves the use of low-arousal approaches that support staff to reduce their use of restraint. De-escalation and crisis management training is important for school and college staff.

41. ASCL members also report the improved confidence and competence of staff who have received trauma-informed training. We would like to see funded research and evidence of impact for the various training programmes and techniques that support staff to avoid the use of restraint, and for this to be shared more widely with schools.

42. ASCL would also like to see guidance and training that recognises that restraint should be used as a last resort. Alternatives to restraint should be given priority in training, and restraint should never be viewed as inevitable.

**Question 16: How confident are you that you know how, when and how long it is appropriate and lawful to use reasonable force, restraint or another restrictive practice on a pupil?**

43. Neither confident or unconfident

**Question 16a Please explain:**

44. Our response is written on behalf of our members. Their practices vary from institution to institution.

**Question 17: What, if anything, do you consider to be the main challenges regarding the use of reasonable force, restraint or other restrictive practices in your school?**

45. The main challenge to the use of reasonable force, restraint and other restrictive practices in education is the perceptions of others as to what is right. This is why there must be guidance for schools and colleges so they can ensure their policies, procedures, codes of behaviour, recording and training are consistent and up to date.

**D. Conclusion**

46. ASCL wants better and more specific guidance and training for school and college staff to help reduce the need to use restraint and restrictive practices.

47. ASCL supports the proposed introduction of training standards and statutory reporting and analysis on the use of restraint.

48. We hope that this submission is of value to your call for evidence. ASCL is willing to be further consulted and to assist in any way that it can.

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