

# **Official Response to the call for evidence**

## **Use of reasonable force and restrictive practices in schools**

**May 2023**

## About Community

The Education and Early Years Section of Community represent and support people working in all sectors of education and early years from nursery to tertiary, including further and higher education. Formerly Voice the Union, our dedicated education and early years team are trained to provide support for whatever our members are facing at work.

We represent Nannies, Early Years and Childcare Professionals, Heads and Leaders, Tutors, Support Staff, Lecturers and Researchers, and Education Students across all stages and phases of learning as well as being a nationally recognised union for Teachers in the UK. We are a stakeholder to various Government groups including COSLA, Ofsted, STA, Ofqual and are a contributor to the annual teacher pay review.

We have members across thousands of schools, universities, colleges, and nurseries across the whole of the UK.

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This is the official response from community on behalf of our members. It is a public document on behalf of the trade union and will be published on our website once the deadline for submission has passed.

# Introduction

The Government is committed to ensuring all schools are calm, safe, and supportive environments where pupils and staff can work in safety and are respected.

The Schools White Paper<sup>1</sup> sets out plans to make sure every child can reach their full potential by receiving the right support at the right time. This includes pupils who are vulnerable and have special educational needs and disabilities (SEND).

In line with these aims, the Department for Education has commenced an ambitious programme of work to provide clarity and support for school leaders and staff. This includes publishing the recently updated guidance documents, 'Behaviour in Schools'<sup>2</sup>, 'Suspension and Permanent Exclusion'<sup>3</sup>, and 'Searching, Screening and Confiscation'<sup>4</sup>. These documents are practical tools to help schools create calm, safe and supportive environments.

## What is the purpose of this call for evidence?

Section 93 of the Education and Inspections Act 2006 provides all school staff, including non-teaching staff, with the power to use reasonable force to prevent pupils from hurting themselves or others, from damaging property or causing disorder. When it is safe, lawful and absolutely necessary, the Government supports school staff to use reasonable force, including restraint, as an intervention.

The Government recognises that the misuse of reasonable force or restrictive practices can have a significant and long-lasting effect on the pupils, staff members and parents<sup>5</sup> involved, as well as the wider classroom, which can potentially hinder the creation of a calm, safe and supportive school environment.

The Government is therefore committed to minimising the use of reasonable force, including restraint and other restrictive practices in all schools<sup>6</sup> in England, including special schools

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<sup>1</sup> [Opportunity for all: strong schools with great teachers for your child - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/white-papers/schools-white-paper)

<sup>2</sup> [Behaviour in schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/behaviour-in-schools)

<sup>3</sup> [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-suspensions-and-permanent-exclusions)

<sup>4</sup> [Searching, screening and confiscation at school - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/searching-screening-and-confiscation-at-school)

<sup>5</sup> Where the text uses the word 'parent', it should be read as inclusive of carers and any other person with parental responsibility.

<sup>6</sup> All schools include academies, free schools, independent schools and maintained schools.

and alternative provision. This work programme will include updating the 'Use of reasonable force'<sup>7</sup> guidance, 2013, to provide school staff with advice on how to minimise the use of restraint and in instances where it is absolutely necessary and lawful to use reasonable force or restrictive practices, to do so as safely as possible.

This call for evidence will focus on:

- how pupils are impacted by the use of reasonable force, restraint and restrictive practices, including those with SEND.
- how school leaders and school staff minimise the need to use force, restraint or other restrictive practices whilst ensuring that the environment feels safe for all pupils and staff.
- how school leaders and school staff ensure that when force, restraint or other restrictive practices are used, they are used safely and effectively.
- how schools record incidents of use of force, restraint or other restrictive practices, and how they use and report this data.
- how school leaders support pupils, their parents and staff who have been involved in or affected by an incident of reasonable force, restraint or other restrictive practice.
- how, in relation to such matters, schools meet their duties under the Human Rights Act 1998, Equality Act 2010 and Children and Families Act 2014.

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<sup>7</sup> [Use of reasonable force in schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/use-of-reasonable-force-in-schools)

## Current duties and guidance

'Use of reasonable force' guidance, 2013, is non-statutory advice from the Department for Education. This guidance advises that:

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- Schools should not have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil.
- It is always unlawful to use force as a punishment.
- Every school is required to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the head teacher that it expects the school behaviour policy to include the power to use reasonable force.
- There is no current requirement to have a policy on the use of reasonable force but it is good practice to set out in the behaviour policy the circumstances in which reasonable force might be used.
- Any policy on the use of reasonable force should acknowledge schools' legal duties in relation to children with special educational needs and disabilities.
- It is current good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents.
- It is up to schools to decide whether it is appropriate to report the use of force to parents.

Other relevant guidance and standards include:

- 'Behaviour in Schools' guidance, 2022
- 'Reducing the Need for Restraint and Restrictive Intervention: Children and young people with learning disabilities, autistic spectrum conditions and mental health difficulties in health and social care services and special education settings',<sup>8</sup> 2019
- 'Searching, Screening and Confiscation' guidance, 2022
- 'Suspension and Permanent Exclusion' guidance, 2022
- National Minimum Standards for boarding schools,<sup>9</sup> 2022
- National Minimum Standards for residential special schools,<sup>10</sup> 2022

<sup>8</sup> [Reducing the need for restraint and restrictive intervention - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/Reducing-the-need-for-restraint-and-restrictive-intervention-children-and-young-people-with-learning-disabilities-autistic-spectrum-conditions-and-mental-health-difficulties-in-health-and-social-care-services-and-special-education-settings.pdf)

<sup>9</sup> [Boarding schools: national minimum standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/Boarding-schools-national-minimum-standards.pdf)

<sup>10</sup> [Residential special schools: national minimum standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/Residential-special-schools-national-minimum-standards.pdf)

## Definitions of terms

Throughout this call for evidence the following terms and definitions will be used:

**Reasonable force** – Physical contact by a member of staff on a pupil to control or restrain their actions/movements in order to prevent or stop (1) a pupil from committing any offence, (2) a pupil causing personal injury to any person including the pupil themselves, (3) damage to property, or (4) disruption to education and good order at the school. Reasonable force can also include physical restraint, such as holding a pupil's arms back to prevent a fight but is not limited to this. 'Reasonable' means using no more force than is necessary; for example, guiding a pupil to safety by the arm or blocking a pupil's path.

**Restrictive practices** – Any planned or reactive action which limits a pupil's movement, liberty or freedom to act independently. Restrictive practices may include use of equipment, medication, or seclusion. In this document, seclusion means isolating a pupil by preventing them from leaving a room or space of their own free will. There could be a number of methods used to seclude an individual.

While **physical restraint** is a type of restrictive practice, **it has been specifically excluded** from this definition as it is captured within the definition of reasonable force. The Department for Education recognises that there are different definitions and categorisations used across the sector for some of these terms. This call for evidence is concerned with the actions and events that occur, rather than the name of the practice.

# Questions

## Questions for all respondents

Question 1 asks about **personal or professional experiences** of reasonable force, restraint or other restrictive practices.

**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.

**Not applicable**

Questions 2-8 cover **best practice** in early intervention, training and support for teachers and pupils.

**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.

All behaviour strategies must begin before intervention becomes necessary. This includes ensuring that staff are skilled communicators, that routes of communication between classes and senior staff are open and that policies and practices are understood so as to be automatic. However, early intervention must always form an integral part of a more holistic overview of behaviour strategies.

Structured positive behaviour support training is key as a central focus of behavioural planning. Staff need to be comprehensively supported in their roles through high-quality training which gives them the ability to understand questions such as “what causes the incidents?” “what are the triggers?” “what preceded the incident?” and how to apply this theory to their own every day practice.

Even in incidences which have not progressed beyond de-escalation there is a need for proper debriefs as this can help to understand and prevent future incidents.

A school which has a positive focus on managing the early interventions which can be used to help prevent the need to use reasonable force, restraint or a restrictive practice, will also support staff and lead to positive morale. Schools which fail to have this positive focus, where there is a lack of clarity from management can lead poor mental attitudes (reminiscent of going into battle) which have a detrimental impact on the mental wellbeing of staff and can lead to dangerous professional behaviours.

**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?

**Yes**

As noted above, the current guidance states:

*"Schools need to take their own decisions about staff training. The headteacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so."*

Community does not believe that the current guidance is specific enough and feel that it could leave headteachers and other school leaders vulnerable if they make poor decisions.

Staff training in England comes at significant cost, and the current circumstances of school funding mean that this could be cut further in order to preserve other key functions and activities. We fear that this could lead to some members of staff failing to be adequately trained which would place them, colleagues and their pupils at risk. It would also increase the likelihood of an incident escalating and serious injury resulting. This failure to train can lead to a decline in staff confidence and morale and increase stress levels needlessly.

We believe that every member of staff who may be required to implement physical restraint should be fully trained and certificated through an approved course and that this should be refreshed on a regular basis. Staff should internally refresh their training at least annually and this should be a feature of INSET and staff meetings throughout the year, especially where restraint techniques have been deployed, as part of a review process.

Team Teach / CPI Verbal & Safety Intervention (formerly MAPA) are similar, but they are not interchangeable. Someone trained in one can give confusing advice to someone trained in the other and therefore it is key that training is consistent for all staff regardless of their individual experience and background in order to reduce any possibility of confusion.

However, Community would not wish to see any one or other commercial course become the default national standard.



**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?

As mentioned previously, it is key that there is a robust behaviour strategy which has been tested and evaluated. And that this strategy is fully supported by all staff. All staff need to be suitably trained in use of restraint, wherever that may feature in their role, and all staff must be familiar with techniques so that they can provide legitimate evaluation where physical intervention has been deployed.

Any strategy should be regularly reviewed, and risk assessed, to ensure that it continues to meet the demands of the school and the pupils, and supports the school staff to feel confident that their actions are safe and have been recently evaluated.

Risk assessment should also form the foundation of work for every child within the provision. Key questions that need to be considered include:

- Background
- Pupil needs
- Health and Safety – physical and mental wellbeing
- Impact

It is important to consider the impact that any aspect of the behaviour strategy may have on the child's wellbeing – both physical and mental – and to identify the risks associated with implementing or not implementing the strategy. It is also important to consider the impact that this may have on the school staff and the wider class.

As a result of the risk assessment, any practices which are unsuitable, or no longer suitable can be withdrawn and alternatives introduced.

Rather than holding specific reviews of practice, it can be better to review practice as part of the normal duty. For example, rehearsing different holds – are they appropriate – are their pupils for whom it may not be? This regular review and rehearsal makes the concept such a part of normal practice that implementation is automatic and not something that has to be recalled and can simply be implemented without delay.

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?

As is made clear in the 2013 guidance the following are restraints which are quite-rightly forbidden.

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

We would also agree with the 2019 guidance. Any position which restricts the airway and breathing or circulation is inappropriate, since there have been widespread news items where serious injury and even death has occurred where police have reacted with techniques which have restricted airflow.

We would however, caution against the composition of a list of 'forbidden holds' since any list can never be exhaustive and other inappropriate techniques may come to light.

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.

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.

Community support the programme of work to minimise instances of the use of reasonable force.

Our previous answers have already noted the importance of a robust behaviour strategy and the fact that it should always begin with the use of de-escalation techniques, but it is hard to answer on a general basis as some techniques will be more appropriate for some individuals in some circumstances than others.

De-escalation approaches are important to reducing the number of incidents of physical restraint, but they are most successfully used when they feature as the first stage in any plan and not in a silo.

Behaviour strategies may start with de-escalation techniques but must operate on a continuum which recognises that physical restraint and other restrictive practices may ultimately be necessary. This means that they should be planned and prepared for through diligent training and regular revision.

Whilst their use should be considered a last resort, in some settings the safety of pupils and staff mean that physical restraint and other restrictive practices cannot be avoided. Therefore, it is vital that staff are not prevented from escalating the approach, according to the behaviour strategy, should the situation require it, for the safety of pupils, staff and the wider community.

**5 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?**

As with all of the work that they undertake, it is vital to acknowledge that first and foremost this is a child, no matter how large, strong or physically developed they may be. This means that there is a capacity issue because they are children. For some pupils there will be additional capacity issues because of any disabilities or learning impairment they may have.

It is vital that children are not isolated through their learning or socially ostracised from their peers. Isolation is likely to store up further issues – resentment, mental health, withdrawal and social difficulties – which will add to school staff workload and pose a greater ongoing risk.

This poses the question how do you keep children safe from themselves and safe from each other, without isolating them?

It is critical that very regularly reviews (EG every month) take place. This is one way ensuring that pupil needs – education, health and social, which are constantly changing, are met in an appropriate manner.

Children are covered under safeguarding legislation and under KCSIE, but it is important to recognise that they attend school to be educated. Risk assessments, Education, Health and Care Plans and other processes and procedures are important for the health, wellbeing, safety and education of the child to be held in careful balance, and schools need to ensure that needs are met to allow education to be achieved and the support of all public agencies is critical to this success.

**6** 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.

Whenever a child has been subject to an incident of force, restraint or other restrictive practice there must follow an appropriate debrief. This may differ in scope depending on the level of intervention, but there should be written record in order that the intervention is properly logged.

As long as the intention to follow training is deemed legitimate and true then school staff should not be in any fear of using proportionate physical intervention.

Sometimes school staff are fearful of using restrictive practices, especially that if they do it and do it wrong they may get into trouble. This is why it is critical for restrictive holds and other techniques be practiced regularly so they are ready to deploy, even if the focus is on de-escalation.

Where physical intervention has been implemented, we would expect any debrief to gather details of the event – time, date, location and may include witness names, though these should not be shared with any outside parties.

Bearing in mind the previously mentioned capacity issues, it is still vital to support the child to ascertain what has happened from their perspective and to help them to understand the actions that triggered the intervention. It is also key for the parents/carers to be a part of this discussion.

Questions 9-11 relate to issues around **reporting and recording** instances of reasonable force, restraint and other restrictive practices.

**7** 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? Please give details in the box below.

- ☐ Every instance of physical contact
- ☐ **Every notable instance, for example, physical restraint rather than redirection such as guiding a pupil by the arm**
- ☐ Every significant instance, for example where an injury is caused
- ☐ It should not be recorded
- ☐ Don't know
- ☐ Other (specify in open text box below)

For the purposes of safeguarding both staff and pupils, it would be prudent to record every incident of physical contact, however short, since this record could prove invaluable should there be any comeback, repercussions, injury or should the situation later develop further.

What details about such incidents should be recorded?

Select all that apply:

- ☐ **Type of incident**
- ☐ **What happened prior to the incident including any triggers for the incident**
- ☐ **Why it was used**
- ☐ **Who was involved**
- ☐ **Whether the pupil has SEN and which protected characteristics they have**
- ☐ **Lesson/location**
- ☐ **Time/date including how long incident lasted**
- ☐ It should not be recorded
- ☐ Other (specify in open text box below)

Whilst it may seem overkill and an unnecessary bureaucracy, gathering the key information is important and should happen as soon as practical after the intervention. This information is critical in informing debriefs and will contribute to learning from events to reduce future incidents.

Software reporting systems exist which can pre-populate information relating to the staff, pupil, the time and location, freeing staff to give a brief description of the events. This is all vital information to allow the school to track and monitor the frequency and type of events and to consider emerging patterns and reduce future recurrence.

We are aware of the demands that inputting data places upon staff, therefore, any system must be user-friendly. It is incumbent upon the school to ensure that time is always given to staff to complete any such records as soon as the incident occurs.

We would also recommend a minimum of half hour debrief conversation and incident recording.

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

Select all that apply:

- ☐ **Head teachers/senior leadership**
- ☐ **Parents**
- ☐ **Governors and/or trustees**
- ☐ Department for Education
- ☐ Local authority for any child
- ☐ Local authority for child with an Education, Health and Care plan or a social worker
- ☐ Other (specify in open text box below)

The senior leadership should be informed as part of the normal course of recording and reporting, wherever physical intervention, restraint or restrictive practices have been implemented, on at least a daily basis. In many instances these types of reports could be set to be auto-generating by reporting software to minimise the burden on school staff.

Parents should be informed, as it is vital that the professional dialogue between the school and parents is open and honest. Where parents are alert to incidents in a timely manner, this can also reduce instances of complaint. When there has been an incidence of physical intervention then parents should be informed, at the latest, by the end of the day.

Regular reporting to governors and/or trustees is an important part of governance. Whilst detailed reporting of each and every incidence is not an appropriate use of time, summary reports of the types of intervention used, the frequency of events in locations, at times, and involving which staff, can all be drawn from the recording and reporting software if the data is kept up-to-date.

Similarly, it may be appropriate to provide summary information to the LA especially if levels of intervention are high. This should be for information only and should not result in specific intervention, though we note it could lead to inspection under safeguarding legislation if the reporting were to raise concerns.

We would not expect reporting to the Department to be normal practice.

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

# **Annex**

## **Issue date**

The call for evidence was issued on 16<sup>th</sup> February 2023

## **Deadline**

The call for evidence closes on 11<sup>th</sup> May 2023

## **Respond online**

To help the analysis of responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations) to submit responses.

## **Other ways to respond**

If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, responses can be sent by email to [CFE.Restraint@education.gov.uk](mailto:CFE.Restraint@education.gov.uk) or post to:

Behaviour and School Food Division  
Department for Education Sanctuary  
Buildings, 6<sup>th</sup> Floor  
Great Smith Street  
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Department  
for Education

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