

# Use of reasonable force and other restrictive interventions guidance

**Government consultation** 

Launch date 4 February 2025 Respond by 29 April 2025

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## Introduction

This Government firmly believes that every child and young person should know that success can belong to them, and that is why we must break down all barriers to opportunity. This includes focusing on high and rising standards in education, so everyone can enjoy the best start in life.

To support schools, the Department for Education (DfE) has previously updated guidance on '<u>Behaviour in Schools'</u> (2024), '<u>Suspension and Permanent Exclusion'</u> (2023), '<u>Mobile Phones in Schools</u>' (2024), and '<u>Searching, Screening and Confiscation'</u> (2022).

The Department is now consulting on the revised update to the 2013 '<u>Use of reasonable</u> force' guidance, which aims to help schools proactively minimise the need to use reasonable force and other restrictive interventions through early support, prevention and de-escalation strategies. The revised guidance explains a new statutory duty for schools to record and report to parents every significant incident involving the use of force on a pupil, effective from September 2025.<sup>1</sup> The guidance emphasises safeguarding pupils and staff by supporting staff to assess whether the use of force or other restrictive intervention is reasonable and ensuring there is a focus on prevention, de-escalation and protecting children's welfare. The guidance also offers specific support for staff who work with children with special educational needs and disabilities (SEND).

### Who this is for

This consultation is open to anyone within the field of education. The following list provides examples of interested parties but is not exhaustive:

- Head teachers and other senior leaders
- Classroom and non-classroom-based school staff
- Governors and trustees
- Parents<sup>2</sup>
- Education unions, charities, and SEND organisations
- Staff in local authorities and children's services, such as social workers and virtual school heads

<sup>&</sup>lt;sup>1</sup> Section 93A of the Education and Inspections Act 2006

<sup>&</sup>lt;sup>2</sup> Where the text uses the word "parent", it should be read as inclusive of carers and any other person who has parental responsibility.

#### **Issue date**

The consultation was issued on 4 February 2025.

#### Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email at:

reasonableforce.CONSULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: <u>coordinator.consultations@education.gov.uk</u>, telephone: 0370 000 2288 or via the <u>DfE Contact us page</u>.

### **Additional copies**

Additional copies are available electronically and can be downloaded from <u>GOV.UK DfE</u> <u>consultations</u>.

#### The response

The results of the consultation and the department's response will be <u>published on</u> <u>GOV.UK</u> in 2025.

## About this consultation

This consultation is seeking views on the revised 'Use of reasonable force and other restrictive interventions in schools' guidance, including whether it adequately supports schools to:

- Meet the new statutory requirement to record every significant incident of use of force and report these incidents to the parents of the pupils involved, effective from September 2025.<sup>3</sup>
- Proactively minimise the need to use reasonable force and other restrictive interventions through prevention, de-escalation and data analysis to support improvement planning.
- Support staff to understand when and how to use force or other restrictive interventions safely and lawfully.
- Support staff who work with pupils with SEND.
- Support staff to meet their safeguarding duties towards pupils and other staff.

### **Rationale and guiding principles**

There are times when the use of force is lawful. Section 93 of the Education and Inspections Act 2006 provides all school staff, including non-teaching staff, with the power to use reasonable force in certain circumstances.<sup>4</sup> The revised guidance provides clarification intended to help staff assess when the use of force is reasonable, sets out the circumstances in which reasonable force can be used, and aims to help staff feel more confident in using this power safely and appropriately.

The guidance also provides advice on the use of other restrictive interventions, which are defined in the guidance as "Any planned or reactive action which limits a pupil's movement, liberty or freedom to act independently. Restrictive interventions may include use of equipment, medication or seclusion. Restrictive interventions may or may not involve the use of reasonable force."

The Government recognises that the use of reasonable force and other restrictive interventions can have a significant and long-lasting effect on the pupils, staff members and parents involved, as well as the wider classroom. This can potentially hinder the creation of a calm, safe and supportive school environment. The revised guidance

<sup>&</sup>lt;sup>3</sup> Section 93A of the Education and Inspections Act 2006

<sup>&</sup>lt;sup>4</sup> Section 93 of the Education and Inspections Act 2006

focuses on prevention and de-escalation and should be considered alongside <u>Behaviour in Schools</u> (2024) which constitutes wider advice on prevention, through creating a supportive culture and managing behaviour effectively such that incidents are less likely and escalation avoided.

In 2021, the Equality and Human Rights Commission (EHRC) launched an inquiry into the use of restraint in schools and using meaningful data to protect children's rights. The inquiry led to several recommendations for the UK government.<sup>5</sup> These recommendations are as follows:

- Nationally agreed definitions of different types of restraint, accompanied by guidance on the various risks to children of different types of restraint, based on up-to-date research.
- National minimum standards for the recording of restraint should be set.
- Schools should be required to publish a policy on restraint which is accessible to parents. It should explain types of restraint, recording and monitoring and how restraint information informs behaviour management and is used in post incident reviews.
- Schools should be required to inform parents about all incidences of restraint of their child, unless it is likely to result in safeguarding issues for the pupil or danger to staff
- Schools should be required to analyse restraint in post-incident reviews and to use that analysis in behaviour management planning with the aim of minimising its future use.
- National training standards for restraint should be developed, which: take a human rights approach, minimise the use of restraint, are tailored by school phase and type and involve schools, parents and children.
- Restraint data from schools should be collated, published, and analysed, including by protected characteristic. Disaggregated data should be made available.
- Ofsted should monitor national and school-level restraint data as part of its inspections. It should use this to develop new inspection frameworks and increase transparency and oversight.

<sup>&</sup>lt;sup>5</sup> Restraint in schools inquiry: using meaningful data to protect children's rights

As part of our consideration of these recommendations, in 2023, the Department launched a call for evidence to better understand how reasonable force and other restrictive interventions are used in schools and how schools best use prevention and de-escalation strategies to minimise their use, particularly for pupils with SEND.<sup>6</sup> The Department received responses from school leaders, parents, local authorities, charities, the EHRC and other organisations. The call for evidence received 580 responses (39% school leaders, 23% parents, 11% teachers and support staff, 4% local authorities and 23% other).

The call for evidence responses, along with independent qualitative research on the use of restrictive interventions in special schools and alternate provision, DfE's omnibus surveys and other stakeholder engagement, have informed revisions to the guidance. The revised guidance explains a new statutory requirement for schools to record and report significant incidents of the use of reasonable force. It clarifies when it may be reasonable to use force and other restrictive interventions and aims to help staff feel more confident in acting safely, appropriately and within the law. The revised guidance aims to minimise the need for all restrictive interventions by focussing on prevention and de-escalation strategies and data analysis.

The call for evidence highlighted the need for greater clarity to support staff in using reasonable force lawfully and appropriately. Many parents who responded reported instances where their child had been subjected to restrictive interventions, with most feeling that the level of force used was excessive and prolonged. Some parents felt that force was used because the school was unable to meet their child's need. Teachers and support staff reported mixed experiences, with some stating that force was rarely used and others stating they had witnessed excessive force on pupils.

Many respondents to the call for evidence (74%) were in favour of implementing national training standards as a means of providing consistency in approaches across the country. The revised guidance advises that staff who are likely to need to use reasonable force and other restrictive interventions should be adequately trained in its safe and lawful use and in preventative strategies, and that school leaders should choose the training, ensuring that it reflects the principles set out in the guidance. This is intended to ensure the adequacy and consistency of training and maintains school leaders' autonomy in deciding on training provision best suited to the school's circumstances and staff needs.

The publication of the revised guidance will meet the Department's public commitment to updating the existing 'Use of Reasonable Force' guidance (2013). Pursuant to the

<sup>&</sup>lt;sup>6</sup> Call for evidence: <u>Use of reasonable force and restrictive practices in schools</u>

Department's public commitment, we are also commencing the legal duty for schools to record and report each significant incident involving the use of force to parents. The Departments future work programme will use the collected evidence and consultation responses to consider whether the Department develops and delivers additional targeted policy interventions. At this stage we will also consider any outstanding EHRC recommendations.

#### **Respond online**

To help us analyse the responses please use the online system wherever possible. Visit <u>DfE consultations on GOV.UK</u> to submit your response.

#### 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, you may request an alternative format of the form.

#### By email

• reasonableforce.CONSULTATION@education.gov.uk

#### By post

Behaviour and School Food Division Department for Education Sanctuary Buildings, 8<sup>th</sup> Floor Great Smith Street London SW1P 3BT

#### Deadline

The consultation closes on 29 April 2025.

## Confidentiality

Information provided in response to consultations, including personal information, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018, or the Environmental Information Regulations 2004. If you want all, or any part, of a response to be treated as confidential, please explain why you consider it confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Education will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

- 1. Would you like us to keep your response confidential?
  - □ Yes (please explain your reason for confidentiality)
  - □ No

## About you

- 2. What is your name?
- 3. Do you consent for the Department for Education (DfE) to contact you via email about your response?
  - □ Yes (please provide your email address)
  - □ No
- 4. In what capacity are you responding?
  - □ Headteacher or multi-academy trust chief executive
  - □ Middle or senior school leader
  - □ Teacher
  - □ Non-teaching staff member
  - □ Governor or multi-academy trust trustee
  - Parent
  - $\Box$  Other (specify):
  - □ Prefer not to say
- 5. If applicable, what is the name of your school/organisation/representative body and what local authority does your response relate to?
  - □ Not applicable
  - □ Prefer not to say
- 6. If you are responding on behalf of a school, college or alternative provision please specify below. Select all that apply:
  - □ Not applicable
  - □ Primary
  - □ Secondary

- □ Post-16 college
- □ Alternative provision
- □ Mainstream
- □ Special school
- □ LA maintained
- □ Academy (including Free Schools)
- □ Independent school (fee paying)
- □ Other (specify):
- 7. If you are answering as a parent, please specify all that apply that relate to your responses. Select all that apply:
  - □ Not applicable
  - □ Primary
  - □ Secondary
  - □ Post-16 college
  - □ Alternative provision
  - □ Mainstream
  - □ Special school
  - □ LA maintained
  - □ Academy (including Free Schools)
  - □ Independent school (fee paying)
  - □ Other (specify):

## **Terminology (pages 4-5)**

This section explains what the guidance means by reasonable force, other restrictive interventions, and restraint. The short definitions are intended to be clear and comprehensive, but without giving exhaustive detail. It notes that these terms are not mutually exclusive. We have not listed additional definitions such as types of restraint due to their varied use across training providers and the sector.

- 8. To what extent are these definitions helpful?
  - □ Very helpful
  - □ Fairly helpful
  - □ Not very helpful
  - □ Not helpful at all
- 9. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

## Who can use reasonable force? (page 6)

This section explains that all members of school staff have a legal power to use reasonable force in certain circumstances. It advises that staff who are likely to need to use reasonable force and other restrictive interventions should be adequately trained in its safe and lawful use and in preventative strategies, and that school leaders should choose the training, ensuring that it reflects the principles set out in the guidance. This is intended to ensure the adequacy and consistency of training, but without national training standards, in order to maintain school leaders' autonomy in deciding on training provision best suited to the school's circumstances and staff needs.

- 10. Thinking about this section, to what extent do you agree with the approach taken regarding training?
  - □ Strongly agree
  - □ Agree
  - □ Neither agree nor disagree
  - Disagree
  - □ Strongly disagree
- 11.Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

## Understanding when to use force and/or other restrictive interventions (pages 6-7)

This section provides support for school staff in assessing when the use of force and other restrictive interventions is reasonable. Given that this depends on the individual circumstances of each situation and therefore all relevant factors cannot be pre-empted or prescribed, this section lists some important factors staff may want to consider, such as whether the use of an intervention is likely to reduce the relevant risks, the age and size of the pupil and the need to promote pupils' welfare.

- 12. Thinking about this section, does it support school staff to assess whether the use of force is reasonable?
  - Yes
  - □ No
  - Not sure
- 13. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

The revised guidance defines seclusion as a type of restrictive intervention which involves the supervised confinement and isolation of a pupil, away from other pupils, in an area from which the pupil is prevented from leaving of their own free will. The decision on whether it is reasonable to use seclusion or other restrictive interventions depends on the individual circumstances of each situation, however restrictive interventions are never to be used for the purpose of punishment. Seclusion is distinct from removal. Removal is covered in the 'Behaviour in Schools' guidance and is defined as where a pupil, for serious disciplinary reasons, is required to spend a limited time out of the classroom at the instruction of a member of staff, in a setting where they can continue their education.

- 14. Seclusion is covered in this section as a type of restrictive intervention. Considering this, do you think the guidance on seclusion is clear?
  - Yes
  - □ No
  - □ Not sure
- 15. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

- 16.Do you think this section should include further advice on when and in what circumstances the use of seclusion is appropriate?
  - □ Yes
  - □ No
  - □ Not sure
- 17. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)
- 18. Thinking about this section, alongside the 'Behaviour in Schools' guidance, is the difference between seclusion and removal clear?
  - □ Yes
  - □ No
  - □ Not sure
- 19. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

## Pupil and staff support (page 8)

This section advises schools on how to follow up on each significant incident of use of force or other restrictive intervention, including ensuring that where needed, pupils and staff receive medical treatment and that their wellbeing is monitored to identify whether additional support is needed. It emphasises the importance of the debriefing process following a significant incident of use force or other restrictive intervention, to understand what happened and why, and facilitate reflection and learning.

20. To what extent is this section helpful?

- Very helpful
- □ Fairly helpful
- □ Not very helpful
- □ Not helpful at all
- 21. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

## Developing a school policy on the use of reasonable force and other restrictive interventions (pages 11-12)

This section outlines that schools should develop a policy on the use of reasonable force and other restrictive interventions, either as a standalone policy or as part of the school's behaviour policy. It highlights the importance of creating a culture that seeks to minimise the use of reasonable force and other restrictive interventions by developing prevention and de-escalation strategies. This aims to emphasise the importance of prevention and gives some short practical examples of how this can be implemented by schools.

- 22. Thinking about this section, does it support schools to develop a policy on reasonable force and other restrictive interventions?
  - □ Yes
  - □ No
  - □ Not sure
- 23. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)
- 24. Is it clear how school staff can apply the information in this section in practice?
  - □ Yes
  - □ No
  - Not sure
- 25. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

## Consideration for pupils with special educational needs and/or disabilities (SEND) (pages 12-13)

This section provides guidance for staff working with pupils with SEND, offering specific strategies to proactively support those pupils and reduce the likelihood of needing to use reasonable force or other restrictive interventions.<sup>7</sup>

- 26. Thinking about this section, to what extent does it successfully support staff to work with pupils with SEND?
  - □ Very successfully
  - □ Fairly successfully
  - □ Not very successfully
  - □ Not successfully at all
- 27. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)
- 28. How does the revised guidance impact on children with SEND? (maximum 1000 characters)

<sup>&</sup>lt;sup>7</sup> There is also existing guidance available for special educational settings on reducing the need for restraint and restrictive interventions, see <u>Reducing the need for restraint and restrictive interventions</u>: children and young people with learning disabilities, autistic spectrum conditions and mental health difficulties in health and social care services and special education settings.

## Recording and reporting the use of force by members of staff (pages 14-15) and Other physical contact with pupils (pages 9-10)

These sections provide guidance on the new legal requirement (which will commence in September 2025) to record and report each significant incident in which a member of staff uses force on a pupil.<sup>8</sup> It defines significant incident as "any incident where the use of reasonable force goes beyond appropriate physical contact between pupils and staff as described in 'Other physical contact with pupils' in this document".

- 29. Thinking about this section of the guidance and the new legislation, is it clear when schools must record the use of reasonable force?
  - □ Yes
  - □ No
  - □ Not sure
- 30. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)
- 31. Is it clear from the guidance when schools must report to parents the use of reasonable force?
  - Yes
  - □ No
  - Not sure
- 32. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

<sup>&</sup>lt;sup>8</sup> Section 93A of the Education and Inspections Act 2006

## Guidance for governing bodies and proprietors on using data on reasonable force and other restrictive interventions (page 16)

This section describes how governing bodies and proprietors should use data on reasonable force and other restrictive interventions to identify patterns and implement improvements. This is intended to support schools to minimise the use of reasonable force, without the need for national data collection.

- 33. Thinking about this section, to what extent do you think the suggested data analysis will support schools to minimise the need to use reasonable force and other restrictive interventions?
  - □ Very successfully
  - □ Fairly successfully
  - □ Not very successfully
  - □ Not successfully at all
- 34. Please explain your answer, providing suggestions for improvement where applicable. (maximum 1000 characters)

## General:

35. To what extent does the guidance successfully support schools to:

- a) proactively minimise the need to use reasonable force and other restrictive interventions through prevention, de-escalation and data analysis.
  - □ Very successfully
  - □ Fairly successfully
  - □ Not very successfully
  - □ Not successfully at all
- b) meet the new statutory requirement to record every significant incident of use of force and report these incidents to parents of the pupils involved.
  - □ Very successfully
  - □ Fairly successfully
  - □ Not very successfully
  - □ Not successfully at all
- c) support staff to understand when and how to use force or other restrictive interventions safely, reasonably, and lawfully, including consideration of pupils with special educational needs or disabilities.
  - □ Very successfully
  - □ Fairly successfully
  - □ Not very successfully
  - □ Not successfully at all
- d) meet their safeguarding duties towards staff and pupils.
  - □ Very successfully
  - □ Fairly successfully
  - □ Not very successfully
  - □ Not successfully at all

- 36. Please explain your answers, providing suggestions for improvement where applicable. (maximum 2000 characters)
- 37. Does the guidance support schools to meet their duties under the Human Rights Act 1998 and the Equality Act 2010 including the Public Sector Equality Duty?
  - □ Yes
  - □ No
  - □ Not sure
- 38. Please explain your answer, providing suggestions for improvement where applicable. (maximum 2000 characters)

## **Further Questions:**

These questions are not about the draft guidance, but about the wider statutory framework. Responses to the questions will inform the Department keeping the wider issue of the use of reasonable force and other restrictive interventions under review.

- 39. The revised guidance defines reasonable force as "Physical contact by a member of staff on a pupil to control or restrain their actions/movements. Reasonable means using no more force than is necessary for the least amount of time, the application of which will depend on the circumstances. Any use of reasonable force is an example of a restrictive intervention and may or may not involve the use of restraint." Under what circumstances do you agree that members of school staff should have a legal power to use reasonable force. Please tick the relevant boxes.
  - □ To prevent a pupil from committing a crime
  - □ To prevent a pupil from harming themselves, or someone else
  - □ To prevent a pupil from damaging property
  - □ To ensure the maintenance of good order and discipline at the school
- 40. Please explain your answer. (maximum 1000 characters)
- 41. Section 93 of the Education and Inspections Act 2006 covers the use of force, however a restrictive intervention may or may not involve the use of force. Where a restrictive intervention does not use force, under what circumstances do you agree that members of school staff should be able to use restrictive interventions. Please tick the relevant boxes.
  - □ To prevent a pupil from committing a crime
  - □ To prevent a pupil from harming themselves, or someone else
  - □ To prevent a pupil from damaging property
  - □ To ensure the maintenance of good order and discipline at the school
- 42. Please explain your answer. (maximum 1000 characters)
- 43. Please provide any further comments on the revised guidance you would like to share that have not been captured above. (maximum 1000 characters)



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