



**making a difference
to the lives of people with
severe learning disabilities**

Michelle Donelan MP
Parliamentary Under Secretary of State for Children and Families
Department for Education
Sanctuary Buildings,
Great Smith Street,
London SW1P 3BT

16 October 2019

Dear Minister,

RRISC response to the consultation on Restraint in Mainstream Settings and Alternative Provision

On 16 September we held the third meeting of the RRISC group (Reducing Restrictive Interventions and Safeguarding Children.) This group was established following concerns from families whose children have experienced restrictive interventions that not enough was being done across the UK to address this issue. The group consists of the CBF, PABSS, Mencap, NASS, NSPCC, BILD, the Council for Disabled Children, MIND, Crisis Prevention Institute, YoungMinds and CRAE as well as school leaders and family carers who have driven this work forward. We share the aim of reducing restraint, seclusion and other restrictive intervention of children. We have agreed a set of key messages which I have attached, and you can access here: <http://bit.ly/318qbbe>.

On 16 September we welcomed Louise Jordan, official from the Department for Education, to speak to the group about the consultation on whether guidance is needed for mainstream settings and alternative provision. This letter summarises the discussion and represents the RRISC response to that consultation.

All members were agreed and felt strongly that guidance should be the same whether children are in a mainstream school, alternative provision or a special school or college. Many children with learning disabilities and autism are in mainstream schools and the same child may attend both types of setting during their school life. The support provided to children with learning disabilities or autism whose behaviours challenge should be consistent wherever they are (in a health, social care or education setting, at home or in the community) and should be based on: an understanding of their rights: a person-centred approach to meeting their needs and an evidence-based approach to behaviour which addresses the reasons for behaviours that challenge.

As a group, we therefore concluded that mainstream schools and alternative provision should be covered by the same guidance as special schools.

The group raised a number of key issues in discussion for the Department to consider:

- The CBF/PABSS report published 31 January 2019 <http://bit.ly/2V1YtuG> shows the impact the current system is having on children and families in both mainstream and special settings.

The law

- The Education and Inspection Act 2006 allows the use of force for good order and discipline as opposed to adult health and social care legislation which only allows force if someone is “a risk to themselves or others”. This allows for a very different culture when dealing with challenging behaviour in schools and makes it much more likely that restrictive interventions will be used inappropriately, especially where staff do not have the skills or “tools” enabling an alternative approach. The RRISC group believe we need a change in the law to remove the use of reasonable force to maintain good order and discipline.
- The law is vague on what constitutes reasonable use of force. Professionals would welcome guidance on what is meant by “reasonable in the circumstances.” Written guidance alone is not enough. There is also a clear need for training for professionals and school staff.

Training

- Training should cover understanding of learning disability, autism, developmental needs and challenging behaviour as well as evidence-based approaches such as Positive Behavioural Support.
- Although Initial Teacher Training includes further coverage of SEND issues than it used to, the group was concerned about insufficient coverage of understanding challenging behaviour displayed by children with learning disabilities or autism. Addressing such behaviour under blanket behaviour policies could constitute discriminatory behaviour under the Equality Act 2010.

Safeguarding

- Safeguarding approaches are currently insufficient when investigating restrictive interventions alleged to have taken place at school. As soon as a safeguarding referral is made families report that they are under suspicion, even where they have raised the alert due to injuries sustained while at school. Families report a fear of reprisal when reporting such incidents, leading to a fear that many incidents remain unreported.

Early Intervention

- Work could take place with early years providers, in partnership with families, to develop an early intervention approach to address challenging behaviour. Early intervention should involve meeting needs and developing strategies which teach children skills and improve their quality of life, making challenging behaviour less likely.
- Reducing restrictive interventions should be considered as part of the wider approach to improving mental health and wellbeing. Experiencing restrictive intervention is likely to result in mental health problems including anxiety and PTSD. This is the experience of families represented on the RRISC group and could be avoided by a focus on children’s wellbeing from the outset .

Inspectorates

- CQC are conducting a review of seclusion and restraint which has been extended to cover children's health and social care settings, however, schools are excluded. The RRISC group are calling for the review to be extended and Ofsted involved as a partner, so that schools become within scope.
- The school inspection methodology on this issue should also be aligned. Family surveys could be amended to ask parents when schools are inspected whether they are "uncomfortable" with anything. Current surveys only allow for extremes – more of a sliding scale may unearth hidden issues.

Recording and reporting

- We need to move to a rights-based approach, with a duty of candour so schools or other providers must explain exactly what happened when a restrictive intervention takes place. There should be statutory guidance ensuring a robust reporting procedure. Learning from incidents can then be used to avoid them in the future. It would be helpful to have a culture which enables questions to be asked and whistleblowing. Restrictive cultures are bad for staff as well as children.
- The Apprenticeships, Skill and Learning Act 2009 amended the Education Act to make it compulsory to record any incident of restraint. This was subject to a commencement order but never enacted. With the additional evidence available now, the RRISC group would like to see the 2011 consultation re-opened.

The RRISC group also heard emerging findings from the analysis of data collected by Positive and Active Behaviour Support Scotland (PABSS) indicating worrying levels of injury following restraint in schools (both special and mainstream) and of reasons given for restraint, which appeared to be far from a "last resort".

We would like to offer the Minister the opportunity to meet families and school representatives, in order to better understand the hundreds of experiences we have analysed and how they could be avoided in future.

We look forward to the Department's response to the consultation and to your reply.

Yours sincerely,



Viv Cooper
Chief Executive, the Challenging Behaviour Foundation
Chair of the RRISC group

Copies to: Anne Longfield (Children's Commissioner for England), Christine Lenehan (Director, Council for Disabled Children), Jane Ramsey (Chair, Transforming Care Children and Young People's Group), Sean Harford (National Director, Education, Ofsted), Chris Day (Director of Engagement, CQC), Louise Jordan (Department for Education), Members of the RRISC group