

## Background

Following high profile concerns regarding the treatment of disabled children in education settings, the Department for Education is consulting on some draft guidance for education settings regarding [the use of 'reasonable' force and other restrictive interventions in education settings](#). The group welcomes this new document, and feels this an improvement on the existing guidance, while feeling there is still some room for further improvement.

While the majority of the new guidance is very specifically for schools and colleges, there are some areas of the guidance that are of general interest to Social Work and Social Workers and others that have very specific implications for Social Workers and Social Work practice.

The group will therefore not comment on all elements of the proposed guidance but will:

- Endorse the responses to the consultation of the Challenging Behaviour Foundation and the National Working Group on Safeguarding Disabled Children
- Provide limited commentary on the areas of general and specific interest to Social Work

## Our experience and insight

BASW Members offered the following insights based on their extensive specialist experience in both front line practice and academic roles as well as the lived experience of some members who are parents of Autistic or neuro-diverse children or children with learning disabilities.

## Recommendations regarding items of specific interest to Social Work Practice

### 1. Significant incidents of use of force

Members of the sub-group were unanimous in their view that all use of force in an education setting is significant. The guidance requires providers to 'record every significant incident of use of force and report these incidents to the parents of the pupils involved'.

This requires school and college leaders to decide whether the use of force is 'significant'. This gives too much leeway, and in particular would allow a school that wanted to hide or ignore incidents, for whatever reason, to reasonably say the guidance did not require them to report an incident.

In our firm view, ALL incidents of the use of force must always be reported to parents and recorded on the school's appropriate safeguarding system. See also 2.ii.b

### 2. Compliance with relevant statutory guidance

Members noted that while this proposed guidance is non-statutory, they would have expected the new guidance to be fully coherent with other statutory guidance. In particular the group are highly concerned that this guidance does not explicitly align with the statutory multi-agency safeguarding guidance [Working Together to Safeguard Children 2023](#) and recommend that the section on complaints be totally rewritten to make it compliant with this statutory guidance.

# Recommendations regarding items of general interest to Social Work Practice

## I. Looked After Children

Members recognise that children in the care of a local authority are likely to have a range of needs that interact with one another and are likely to have experienced trauma. This trauma may make looked after children both more likely to struggle in an educational setting while also being more in need than other children of the stability and positive relationships with adults in their schools.

Members would like to see specific guidance for working with looked after children, as per the section on disabled children, that reflects both

- the specific needs of looked after children
- the requirement to inform the Local Authority of any incidents involving a looked after child as they hold 'Parental Responsibility' for any child who is looked after.

## II. Complaints:

### a. Availability of support and advocacy

Members were not clear whether an Equality Impact Assessment had been completed and noted that parents from global majority communities or parents with learning difficulties were likely to struggle to engage with a formal complaints process. Members would therefore recommend that a comprehensive advocacy and support offer is needed to support those parents.

### b. Allegations against members of staff (People in Positions of Trust)

Members strongly felt that any complaint or allegation regarding a member of staff regarding use of force that may have harmed a child (physically or emotionally) must be referred to the 'Local Authority Designated Officer' as per Working Together statutory guidance and the learning from the [Child Safeguarding Review Panel report](#) regarding the practice failures at Hesley Schools.

## III. Preventing incidents, reducing impact: Adequacy of staff training

Members feel that the provision of appropriate training for staff can and should play a key role in both preventing incidents of the use of force and in reducing the impact of such incidents across the board: i.e. for the child, the staff involved and for other students and staff who may witness the event. This preventative approach should support to schools to move to a culture of blaming a child for their behaviour to one in which schools begin to understand what the behaviour is communicating and are able to respond to that.

Given the crucial role such training plays in keeping children safe, members would like to see

- more specific guidance for schools about which training models are agreed by the DfE as being effective
- a programme of research funded by DfE to develop an evidence base regarding the effectiveness of such training

## IV. Autistic and neurodiverse pupils

Members with professional and lived experience of Autistic children and young people strongly felt that the guidance as proposed

- would not meet the needs of Autistic children and young people
- does not adequately explain the school's duties towards Autistic children and young people
- is not compliant with the Autism Act's statutory guidance.

As with Looked After Children, members would recommend that the needs of Autistic children and young people should be separately addressed in a new specific section of the guidance.