

Restrictive intervention guidance-thinking ahead

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Focus areas

- To consider some of the changes
- To consider areas to review, check
- To reflect upon current practice

The guidance.....

Are the following clear to everyone?

Must - legal requirement

Should - follow the guidance unless there is a good reason not to.

P14 statutory - reporting and recording duties

Do all members of staff understand the terms?

Legal frameworks

- the Education and Inspections Act 2006, especially sections 93
- the Schools (Recording and Reporting of Seclusion and Restraint) (No. 2) (England) Regulations 2025
- the Health and Safety at Work etc. Act 1974 and associated regulations
- the Human Rights Act 1998
- the Equality Act 2010

Why?

- The guidance aligns with the principles in the September 2026 behaviour guidance
- Consultations and need highlighted from 2021 onwards with main guidance consultation last year
- Concerns in particular around the apparent lack of consistent monitoring and accountability especially around use of seclusion
- Examples of the inappropriate use of seclusion , in some cases breaches of human rights
- Rise in complaints / litigation

Core themes

The aim is to: -

- i. provide new statutory guidance about recording and reporting the use of force effective from April 2026
- ii. provide advice about the new legal duty to record and report the use of seclusion effective from April 2026
- iii. provide additional clarification on the use of reasonable force to help school staff use this power safely and appropriately
- iv. provide advice on the use of seclusion
- v. provide advice on how schools can minimise the need to use restrictive interventions
- vi. provide specific support for staff who work with pupils with special educational needs and disabilities (SEND)
- vii. make clearer the responsibilities of school staff, governing bodies and proprietors.

Terms are key – especially in the context of this guidance and other legislation

Restrictive intervention: a means to prevent, restrict, or subdue movement of the body, or part of the body, of a pupil. The guidance uses ‘restrictive interventions’ as the umbrella term to describe both physical and non-physical actions aimed to restrain pupils in different ways.

Reasonable force: a term used in legislation which includes physical restrictive interventions. All members of school staff have the legal power to use reasonable force in limited circumstances.

Reasonable means using no more force than is necessary for the least amount of time, the application of which will depend on the circumstances.

Terms are key - continued

- **Significant incident:** any incident where the use of force goes beyond appropriate physical contact between pupils and staff as described in 'Other physical contact with pupils in the document. This includes when physical force is used to implement a non-physical restrictive intervention

who and when?

- All members of school staff have a legal power to use reasonable force in certain circumstances.
- To prevent or stop a pupil from:
 1. causing injury to themselves or others
 2. committing a criminal offence
 3. damaging property
 4. causing disorder among pupils at the school, whether during a teaching session or otherwise
- Staff who are likely to need to use reasonable force and/or other restrictive interventions should be adequately trained in its safe and lawful use and in preventative strategies. Risk assessments should be in place where needed.

searches

Head teacher can authorise specified staff to exercise powers of search for 'prohibited items':

- Knives and blades
- Offensive weapons
- Alcohol
- Controlled drugs
- Stolen articles
- Articles used or likely to be used to commit offences or cause harm
- Items specified in other regulations
- Items identified in school rules (but **not** using reasonable force)

other physical contact is acceptable

- to give first aid
- to guide or escort pupils, such as holding the hand of a pupil at the front/back of the line when going to assembly, when walking together around the school or on a school trip, or when helping a pupil to a space they have chosen to access to self regulate
- to comfort a distressed pupil
- to congratulate or praise a pupil, for example a pat on the back or a handshake
- to demonstrate how to use a musical instrument
- to demonstrate exercises or techniques during PE lessons or sports coaching

Terms are key - continued

Seclusion: a non-disciplinary intervention involving keeping a pupil confined to a place away from others and preventing them from leaving.. It should only be used as a safety measure to protect others from harm when a pupil is experiencing high levels of emotional or behavioural dysregulation. In such circumstances, the pupil is not willfully misbehaving

Restraint: a term used in legislation referring to a non-disciplinary intervention which immobilises a pupil or limits their movement. This may or may not include direct physical contact. For example, holding a pupil's arms to their sides or removing a pupil's crutches would both be considered forms of restraint.

ARE THE TEAM AWARE AND CAN THEY DESCRIBE / DEFINE THESE AREAS?

changed assumptions

- The onus on people making allegations to demonstrate they are true and that the member of staff does not have to demonstrate they have acted reasonably has shifted back in line with other forms of allegations
- It is no longer an assumption that most teachers will use reasonable force in their career, nor that senior school leaders should support their staff when they use this power. The guidance is clear that reasonable force should only be used as a last resort when absolutely necessary and also includes guidance on other forms of restriction
- Much greater emphasis on prevention, and lots more too on oversight
- In-depth understanding of the particular risk around young people with SEND (mentioned nine times with its own section, while just once in the 2013 guidance)
- It remains consistent that schools must not have a 'no contact' policy, cannot use force as a punishment, that they have the legal power to use force, and they can use this to support searches

Necessary? Proportionate?

- **Is it necessary?**
- Staff should consider whether there are other more effective, less restrictive ways to manage a situation. **DOES THIS HAPPEN?**
- Staff should assess whether a restrictive intervention is likely to successfully reduce the relevant risks, or whether its use would escalate the situation further or cause more harm than the behaviour itself. **DOES THIS HAPPEN?**
- Where possible, staff should communicate with other staff members to understand any broader risks in the environment. **DOES THIS HAPPEN WHERE POSSIBLE?**

Necessary? Proportionate?

- **Is it proportionate?**
- Staff should use the least amount of force or least restrictive intervention necessary for the least amount of time required to reduce the relevant risks.
- If the intervention itself is escalating the situation, staff should reconsider their approach and attempt an alternative strategy.
- Staff should consider the personal circumstances of the pupil such as medical conditions, special educational needs or other vulnerabilities, their characteristics such as age and size, and must consider relevant equality implications under the Equality Act 2010.14

IS THIS HAPPENING IN PRACTICE ? IS THIS A THEME EMERGING WITHIN YOUR LESSONS
LEARNED PRACTICE AND CULTURE?

Seclusion

- Seclusion - a non-disciplinary intervention involving keeping a pupil confined to a place away from others and prevented from leaving - should only be used as a safety measure to protect others from harm when a pupil is experiencing high levels of emotional or behavioural dysregulation.
- In such circumstances, the pupil is not acting with intent.
- Seclusion should not be implemented by staff through threat of punishment.
- The place to which the pupil is confined should be safe and not feel threatening or intimidating to the pupil.

IS THIS IN PLACE?

Seclusion

- The pupil should be supervised at all times during the period of seclusion.
- As soon as the immediate risk of harm has reduced, the pupil should be allowed to leave.
- IS THIS IN PLACE?

Seclusion

- There are varying approaches used by schools with respect to seclusion and many names. These include: -
 - *Calm room*
 - *Time out*
 - *Reflection room*
 - *Consequences room*
 - *Safe room*
 - *Safe shelter*
 - *Isolation room*

Seclusion

- Times that children can spend in these spaces varies according to policy.
- Up until April 1st, 2026, the use of seclusion has not needed to be reported and recorded, parents necessarily informed.
- **NOW IT WILL - WHAT TO CONSIDER?**
- The government also appear to be intending, longer term, that many suspended (fixed term excluded) pupils will remain in school, so a reflection on the seclusion approach will be useful.

What should you take into account?

- ARE THESE THE INTENDED CONSEQUENCES?
 - Lowering levels of stimulation
 - Reducing risk of harm
 - De-escalation

IS THIS WHAT HAPPENS?

What should be taken into account?

- The impacts of seclusion / consequences for the child: -
 - It is involuntary and isolating
 - Longer term psychological and emotional trauma develops
 - Future behaviours will heighten more rapidly
 - May be breaches of human rights
 - Disproportionate use in respect of children with difference / SEND
 - Loss of learning time

CAN YOU MITIGATE THESE OUTCOMES WITHIN A DEFENSIBLE DECISION-MAKING PROCESS ON EACH OCCASION?

Reflection points

- <https://www.gov.uk/government/publications/positive-environments-where-children-can-flourish/positive-environments-where-children-can-flourish>
- KEY QUESTION TO ASK - IS REMOVAL MEANINGFUL FOR THE CHILD? IN WHAT WAY? OUTCOME? LEARNING? PROGRESS? FUTURE ENGAGEMENT?
- What do these policies and protocols look like in practice in my school / provision?

What about children with difference / SEND?

- Research and data shows us that children with difference / SEND are disproportionately affected in terms of the use of seclusion
- AS YOU TAKE THE OPPORTUNITY TO REFLECT UPON SECLUSION – IF IT IS USED IN YOUR SETTING - ARE YOU: -
 - Considering the child's communication needs
 - Taking an individual approach
 - Considering whether the use of seclusion for the child becomes another barrier to learning
 - Does seclusion add to a cycle of harm
 - Is seclusion a method of "behaviour" control?

Thinking aloud

- The use of seclusion is ALWAYS a difficult area to consider and is contentious- especially so at present.
- With the likely changes to SEND and some of the government thinking becoming apparent in terms of suspension this may be a good time for a school to carry out a thorough review.

research on isolation

- **NOT** covered by reasonable force – under Behaviour in Schools guidance
- One in twelve (8.3%) pupils report being isolated at least once a week
- Average length 8.44 hours per week
- Dependent on school approach and more likely for students with higher suspension rates
- Older pupils, boys, LGBTQ+ young people, those with special educational needs, eligible for free school meals, living in more deprived neighbourhoods and from minoritised ethnic groups were all disproportionately internally excluded
- contributes to significantly worse school belonging and impacted on girls' mental health
- **“We conclude that internal exclusion is a very widely used but likely discriminatory and harmful practice; accordingly, alternative approaches to managing behaviour in secondary schools are warranted”**

What do you /schools need to do?

- **Put clear recording and reporting systems in place**

Staff should understand what must be recorded, how and when, and how parents should be informed. Creating templates for this may be useful.

- **Review and update policies**

Behaviour, safeguarding and restraint policies should be updated to reflect these changes. A standalone restrictive intervention policy is not required but may be helpful.

- **Let parents know of any changes and revisions.**

Reporting and recording

- The duty on schools to record and report on the use of seclusion to parents aims to curb unnecessary and excessive uses and improve transparency for the parents of pupils regarding the use of seclusion in school, and support schools to use the data collected to improve practices.
- Schools will be required to report incidents of seclusion to the parents of the pupil involved in writing. The schools can decide the format which works best for them to minimise additional burdens, for e.g. an email, letter or through a school messaging app.
- The guidance also states that schools should communicate the school's policy on the use of restrictive interventions to all members of the community and ensure that the policy is made available to all staff, pupils and parents. This will not be a significantly increased burden as schools are already expected to do this for their behaviour policies.

What do you need to do?

- **Training**

Staff training should cover the lawful use of force, de-escalation, SEND considerations, safeguarding links and the new recording and reporting duties. Consideration should be given to communications with parents about the changes.

- **Focus on prevention and oversight**

Schools should analyse incident data, identify patterns (including any disproportionate impact) and use learning to reduce reliance on restrictive interventions.

Report card links

- Behaviour and attendance
- Safeguarding
- Inclusion
- Leadership and governance
- Personal development and values
- Curriculum and teaching
- Achievement

All of them!

Governors / Trustees

The governing body of a maintained school and the proprietor of other schools must take **all reasonable steps** to ensure that the school's procedures for recording and reporting the use of force and seclusion and restraint are complied with.

- Governing bodies and proprietors should **regularly review and interrogate data** on restrictive interventions to ensure school leaders.
- **identify and implement improvements** to policies and practices, particularly where approaches have been used for some time but have not been effective.
- **identify areas of learning and development for school staff**, supporting specific departments and teachers to improve understanding and practice.

Governors / Trustees

- understand pupils' repeat patterns and triggers **to interrogate the effectiveness of pupil support measures**, share this information with teachers who work with those pupils to better support them and, where appropriate, their parents, to establish a behaviour support plan or revise an existing plan.
- identify any disproportionate use of restrictive interventions in relation to pupils who share protected characteristics, have SEN, or other types of vulnerability.
- Governing bodies and proprietors should consider the limitations of data and what can be inferred from it. Analysis should be proportionate and avoid over-interpreting small subgroups of people.
- **IS THIS HAPPENING? ARE GOVERNORS / TRUSTEES READY? DO THEY NEED SOME TRAINING AND SUPPORT?**

Lots to think about....

- Any questions or queries?
- Thank you. Chris
- A copy of the slides and recording will be sent to you over the next couple of days.

Thank you.
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