



Executive Complaints Unit

Ms Becky Gillespie
International Coalition against Restraint and Seclusion

Via email

Ref: CAS-6946369

19 January 2022

Dear Ms Gillespie

“Don’t Exclude Me”, BBC Two, 7 October 2021

Thank you for your letters to the Executive Complaints Unit regarding a programme broadcast on BBC Two which showed an expert in child behaviour management, Marie Gentles advising members of staff at a school and interacting with children. You identified a particular incident involving the physical restraint of a child in the playground at the school which you criticised. To summarise your objections, you stated that:

- a) It was not appropriate to restrain the child in question because his behaviour was not sufficiently extreme as to require it, and you consider the hold used to be dangerous.
- b) The action taken by Ms Gentles in physically restraining him was unsafe, and could have risked his safety and welfare.

And you requested that in the light of these criticisms, the programme should be taken down from the BBC’s iPlayer as it could encourage other teachers to emulate Ms Gentles’ approach, methods and behaviour.

The BBC’s Editorial Guidelines concerning the Safeguarding the Welfare of Children and Young People state that staff should apply the principles of the [BBC Child Protection Policy](#) in dealings with children and young people. In particular the policy states:

Although the BBC is not a statutory body it has a duty of care for any child with whom it interacts, regardless of the nature of the interaction, as well as a

responsibility to act in the child's best interests if it becomes aware of a risk of harm to a child, even if the risk lies externally to the BBC.

In addition the guidelines on Imitative Behaviour advise that:

Careful judgements are required about content which might lead to dangerous imitation.

I have reviewed the correspondence between you and the Complaints team at Stage 1 and the comments in your most recent letter to the ECU referencing the opinions of *Team Teach* and Dr John Parkes about the hold used by Ms Gentles in the scene shown, which you have supplied.

The Executive Complaints Unit is not qualified to make a judgement about the use of physical restraint by teachers but we note that the law and guidance from the Department for Education do permit the use of the type of hold used by Ms Gentles. In the programme prior to her decision to restrain the child she says:

If a child becomes a risk to themselves or a danger to those around them it's important to risk assess a situation. The priority is safety and keeping him and everyone else safe.

I have viewed a video on [Youtube](#) in which Ms Gentles discusses the incident, referring to behaviour before the actions she takes in the programme. In a statement published on [Twitter](#) she explains that there were other aspects not caught on camera which led her to judge that she should physically restrain the child to protect him and another child from his "dangerous behaviour". It has been established that no harm came to the children involved, resulting from Ms Gentles' actions, and the parents of the child who was restrained were informed about the incident. Accordingly I conclude that the production of the programme and the programme itself were consistent with the BBC's Child Protection policy in relation to this incident.

I turn to your concern that the programme could encourage people with responsibility for the care of children to emulate what you regard as unsafe practice. [Advice](#) from the government, published in 2013, on the "Use of reasonable force" in schools states:

The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent.

As set out above Ms Gentles' professional judgement was that in the circumstances physical restraint was appropriate. Her decision to restrain the child was based on a reasoned assessment of the situation and his behaviour and in the circumstances,

given the way in which restraint was applied and then released, I believe it was measured and proportionate.

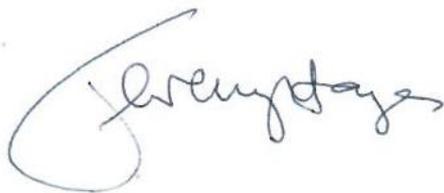
Moreover the hold used by her was not one against which the Department for Education has issued advice. Ms Gentles has explained that the boy was restrained in a ground hold partly because there was no chair available in the playground on which to seat him.

I understand that *Team Teach* does not approve or teach the technique used by Ms Gentles, however other agencies do continue to instruct teaching professionals on its safe application. *Team Teach's* opinion about the risks posed by the child's behaviour, and the basis for Ms Gentles' action, appears to be based on a selection of clips taken from the film, without the benefit of full knowledge of the circumstances.

I consider that what is shown in the programme is consistent with the law and good practice concerning the restraint of children at school. Accordingly I can see no basis for removing the programme from iPlayer, as you have requested.

For the reasons I have set out I am not upholding your complaint. There is no provision for further appeal against this decision within the BBC but it is open to you to approach the broadcasting regulator, Ofcom for its opinion. You can find details of how to contact Ofcom and the procedures it will apply at <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint>. Ofcom acknowledges all complaints received, but will not normally write back to individual complainants with the outcome of its considerations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeremy Hayes', with a large, sweeping initial 'J'.

Jeremy Hayes
Complaints Director