



Reference CAS [REDACTED]

To the Executive Complaints Unit,

We are grateful to Phil Young from the BBC complaints department for his response to our stage 1b complaint with regards the BBC2 programme 'Don't Exclude Me'. We appreciate him watching the programmes once more in light of our concerns. However, we do not understand or concur with the conclusions he arrived at and so ask that our complaint be escalated to yourselves at the BBC's Executive Complaints Unit.

We enclose both our stage 1a and 1b complaints and the responses we have received. We do not believe that any of our complaint has been satisfactorily investigated for the reasons we outline below.

We fully understand that Marie Gentles is a trained practitioner with experience of working in a PRU and that she is a government behaviour adviser. These facts actually make our complaint more pertinent given the BBC, in 2021, has broadcast, as best practice, an 'expert' carrying out the restraint of a 6-year-old child using a potentially life-threatening hold that can cause positional asphyxiation and that has been withdrawn from use by Team Teach. Team Teach is the organization that both the school and Marie Gentles' use to train in 'positive handling'. In addition to this, given the widely researched and documented prevalence of trauma and injury sustained when restraint is used, detailed in government guidance to schools, it is a restraint that arguably should never have happened.

We are pleased to hear that the programme team worked closely with the families and sought their consent throughout. However, the family in question were not we suspect experts in restraint and could not be expected to be aware of the risks associated with the holds that Marie Gentles used to manage their child's behaviour. After all she was presented to them as an expert in behaviour management, it is unlikely that they will have understood that she was not an expert in the use of restraint. It seems incongruous to us that, given the nature of what was broadcast, none of the 'experts' consulted by the programme makers prior to the broadcast were accredited to give advice around restrictive interventions.

We now ask whether, as part of the BBC's investigation into our complaint, the BBC have actually reached out to Team Teach for an expert opinion? We have evidenced in our stage 1a complaint their public condemnation of the practices broadcast.

Have the BBC sought input from Dr Tony Bleetman who is an expert medical adviser with regards the use of restraint and who has raised concerns about the use of the T-wrap? We drew the BBC's attention to this in our stage 1a complaint.

Was the Restraint Reduction Network chaired by Professor Joy Duxbury OBE approached with regards their opinion of the restraint broadcast?

Did the BBC consult with countless survivors of restraint such as Alexis Quinn a former school teacher, author of "Unbroken", currently manager of the Restraint Reduction Network? Alexis herself released an article on the Restraint Reduction Network website outlining concerns about 'Don't Exclude Me' and in support of the complaints being put forward by ICARS and families across the UK.

restraintreductionnetwork.org/uncategorized/have-you-watched-the-bbc-programme-dont-exclude-me/

Were families whose children have been affected by restraint in schools consulted by the BBC? We at ICARS let you know that ICARS supports over 1600 families across the UK whose children have been harmed physically and psychologically through the use of restraint and seclusion in schools, yet we weren't approached.

As part of investigating our stage 1b complaint did the BBC speak to highly regarded experts in the area of restraint that the BBC have consulted with before? Experts such as Professor Andrew McDonnell of Studio 3, someone the BBC consulted with and filmed for the BBC Panorama programme exposing the shocking truth of what went on at Winterbourne View.

Have the British Psychological Society given their expert opinion on the strategies employed throughout the programme?

It would appear from the responses we have received to our complaints so far that the BBC have not approached any of these experts and therefore have not conducted a fully comprehensive investigation into their dangerous, life-threatening programming. The BBC claim in their stage 1a and 1b responses that “we” the viewer were unaware of the danger that this 6-year-old child posed because we were not privy to all the circumstances surrounding the lead up to the scenes where restraint was used. At ICARS it is our opinion that this is disingenuous.

The implication is that the child was in fact posing such a level of risk to himself and/or others that traumatizing and potentially life-threatening restraint was the only response, using a hold that if properly risk assessed would not have been used. Had the restraint truly been necessary, which we dispute, a far safer hold could and should have been implemented.

In effect Oscar went from being in danger of grazing his knees if he fell, to being at risk of suffering positional asphyxiation. Others involved in the incident went from being at risk of having a tennis ball thrown half-heartedly at them by a 6-year-old, to Oscar entering a fight/flight reaction thinking he was being attacked and he had to fight for his life. We suggest that the whole sequence is a Masterclass of human rights abuses and how not to use restraint, unless your aim is to engage in practices that could lead to death and go against medical expert and governmental advice. Again we ask, how can a life-threatening restraint that carries with it the risk of positional asphyxiation be the most appropriate intervention given the huge range of far less restrictive interventions that could have been implemented?

Hitherto the BBC cannot escape the fact that they are presenting this as best practice, nor that Marie Gentles states clearly on camera that the hold she used was a safe hold. We have ascertained that it was far from safe, and we suspect that Marie Gentles on reflection and having had her ‘mistake’ pointed out would not dispute this. In fact, the BBC writes with regards Marie Gentles in their 1b response, “She has also said she would not promote the use of this particular technique”.

In effect this means that the BBC have broadcast misleading, poorly researched information which we continue to maintain breaches the Ofcom Broadcasting Code as outlined in our initial complaint.

The SEND community’s collective response on social media to the programme has been damning. The ‘Special Needs Jungle’ a parent led group with a following on Facebook alone of almost 46 000 people has published several articles on their website raising concerns about ‘Don’t Exclude Me’, along with many others commenting on social media whose concerns seem to have been either ignored or not sourced. Reaching out and understanding these concerns is essential in order that the BBC calculate a fully informed response to our’s and other’s complaints.

Marie Gentles is a government behaviour advisor and so one would assume must be well aware of the government guidance around restraint. We do wonder whether the BBC as part of their investigation into our complaints have read for themselves the 2019 guidance we drew their attention to, “Reducing the need for restraint and restrictive intervention” and also the 2013 “Use of reasonable force” guidance?

The 2013 Department for Education guidance “Use of reasonable force” which was reviewed in July 2015 states

Using force

- A panel of experts⁴ identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:
- the ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the ‘double basket-hold’ which involves holding a person’s arms across their chest; and
- the ‘nose distraction technique’ which involves a sharp upward jab under the nose.

⁴ Physical Control in Care Medical Panel - 2008

To be clear, the holds that Marie Gentles demonstrated and that the BBC broadcast involved two members of staff forcing a child into a sitting position and bending them forward, and also involved holding a child’s arms crossed across their chest, two of the three techniques the government’s panel of experts identified as presenting an unacceptable risk when used on children and young people.

In addition to breaking this guidance there was not a third person monitoring Oscars breathing whilst the restraints were happening which added an additional level of danger.

Ultimately the restraint the BBC broadcast, executed by Marie Gentles involved a hold that broke governmental guidance and placed an unacceptable level of risk on the child involved. The government's own panel of experts has been ignored first by Marie Gentles in using the hold and now by the BBC while the BBC continue to promote this practice by making 'Don't Exclude Me' available on iPlayer.

In the past twelve months ICARS have collected over five hundred case studies from the families of children who have experienced restraint within education. Of these 75% of the children being harmed through the use of restraint are autistic. It is the neurodivergent community who are most affected by this programme.

It is ICARS position that the British public, and in particular the neuro-diverse and SEND community deserve an investigation that seeks not only the views of those that made and are portrayed in the programme but also the views of experts in restraint and restrictive practices who follow government guidance and are educated in the risk to life, the trauma and the injuries that restraint can cause.

The BBC's investigations into our complaints thus far are simply not good enough.

They are not comprehensive enough to protect and safeguard countless 'Oscars' presently educated in an education system the BBC are seeking to influence through their programming. 'Don't Exclude Me' is being used as a resource to guide the next generation of teachers trained by the Open University, who they themselves are now breaking governmental guidance by using this programme in the education of teaching staff across the UK.

We ask again that the BBC apologise, make right the facts and remove 'Don't Exclude Me' from iPlayer.

Respectfully,

The ICARS Team

(representing over 1600 families across the UK whose children have been harmed physically and psychologically through the use of restraint and seclusion in schools.)