



Reference [REDACTED]

Dear BBC,

Thank you for your response to our letter of complaint with regards the BBC2 programme 'Don't Exclude Me' broadcast 7th October 2021.

In our initial letter of complaint we made two key points:

- 1. That a clear breach of a child's human rights has been broadcast on the BBC with the action being lauded by the programme makers as best practice.** We were referring to the unnecessary and disproportionate use of restraint against a 6-year-old child within a school setting.
- 2. The use of a dangerous potentially life-threatening hold that could lead to asphyxiation has been promoted as a safe hold by the BBC.** This hold was carried out by Marie Gentles who was introduced by the programme as an expert in behaviour management, indeed a government behaviour adviser, and then by school staff under the guidance of Marie Gentles. There was never any debate about the validity of Marie Gentles approach, in fact the hold was referred to as a 'safe hold' in the broadcast. Thus, the BBC have presented as best practice the use of a hold that carries with it the risk of positional asphyxiation.

We raised concerns that this broadcast was in breach of Ofcom standards and we explained why. You yourselves state on your website that BBC Editorial Guidelines are more stringent than Ofcom Standards. Hence, we fully expected that you would undertake a thorough investigation into our complaints.

Instead, neither of our complaints have been addressed adequately within your response and it is clear that no investigation into these serious complaints has been undertaken. Rather you have provided us with a statement first released by Magic Behaviour Management, a commercial company run by Marie Gentles and a colleague. The response you have provided us, whilst ostensibly being from yourselves, was initially tweeted from their company account on Friday 15th October 2021.

In their statement, which makes up the entirety of your response, Magic Behaviour Management seek to justify Marie Gentles' use of restraint. They have also sought to justify her using a T-wrap, a hold that specialist medical advisors have deemed to be too dangerous to be used on any person, let alone a 6-year-old child in a distressed state.

The justifications provided do nothing to resolve our complaints.

In your response Magic Behaviour Management suggest that, prior to the edited sequence we saw on our screens, the child in the broadcast had displayed 'dangerous behaviour' off camera. They then go on to say that throwing a ball in the playground at another child and tripping over were dangerous behaviours. We suggest again, as in our initial complaint, that these are not behaviours sufficiently dangerous to warrant the use of a restraint. We suggest that the 'danger' was no longer, if ever, of sufficient gravity to require the adults in charge of the situation to respond in the way they did. We know that so many other de-escalation techniques could have been deployed.

The government write this in their guidance, 'Reducing the need for restraint and restrictive intervention' (2019)

"Use of restraint carries risks and can be damaging to children and young people. It may, however, be the only realistic response in some situations (for example, to prevent a child running into a busy road or to prevent a violent act against another person). But wherever possible, it should be avoided; and proactive, preventative, non-restrictive approaches adopted in respect of behaviour that challenges. The personal costs to children and young people's development and welfare and to staff from the use of restraint are well documented. These include damage to children's physical, psychological, social and emotional wellbeing and to their neuro-cognitive, behavioural and emotional development. Restraint can be traumatising for children and repeated use of restraint can have damaging, re-traumatising effects"

Note the level of risk the government guidance refers to when considering that restraint may be 'necessary', (to prevent a child running into a busy road or to prevent a violent act against another person) and note also the huge personal cost to a child's development and welfare when restraint is used. None of this was considered or referred to within the broadcast, despite the apparent aim of the programme being to disseminate good practice.

The justifications you provide within Magic Behaviour Management's statement with regards the use of the T-wrap are extremely concerning.

To suggest in response to our complaint that, 'The technique used remains an acceptable method of restraint if used by a skilled practitioner like Marie' is just wrong.

This restraint has been withdrawn from the Team Teach syllabus, the medical advisers have advised it is not to be used because of the risk of death associated with positional asphyxiation.

Please note on social media Marie Gentles stated in response to questions about the T-wrap, 'please do refer to any updated positive handling training as I am not a trainer'.

Yet still BBC you are presenting this hold as a safe hold, you have done nothing to put right this wrong and as a consequence children's lives are, put bluntly, at risk. The risk of others copying Marie Gentles' technique are real, particularly when we note that the Open University, who we understand were advisors to the programme makers, are using this broadcast as part of their teacher training programme.

Unfortunately, we are completely dissatisfied with your response and ask that our complaints be escalated to the next stage of your complaint's procedure. We, alongside many within the SEND community and also many teaching staff, remain outraged by so much about this programme. It is our opinion that the only truly appropriate response to our complaint would be to apologise, make right the facts and remove 'Don't Exclude Me' from iPlayer.

Given that you have not actually addressed our valid concerns within your initial response and due to the gravity of the situation we have made the decision to approach Ofcom with our complaints in tandem with working through the BBC complaints process.

We understand that in exceptional circumstances, which we believe this to be, Ofcom will consider our complaints at this stage.

Respectfully,

The ICARS Team