

Ned Sharratt
Public Petitions Clerks
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP
petitions@scottish.parliament.uk



CONSIDERATION OF PETITION [PE1548](#) (National Guidance on Restraint and Seclusion in Schools)

23 February 2016

Dear Ned,

Thank you for your letter of 9 February regarding the above petition.

As outlined in my previous correspondence to the petitions committee, the Scottish Government is committed to incorporating further guidance on physical restraint and seclusion within the refreshed 'Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions' (IEI2). This is in line with the petition responses stating that restraint and seclusion should be seen within the context of positive relationships and behaviour. The purpose of the document is to support local authorities, all schools (mainstream and special schools) and other learning establishments and their partners keep all children and young people fully included, engaged and involved in their education wherever this takes place; and to improve outcomes for those most at risk of exclusion. The guidance focuses on prevention, early intervention and response to individual need, incorporating staged interventions to prevent problems escalating and providing additional support where appropriate.

My earlier response to the committee also stated that upon consultation with the Rights, Support and Wellbeing network of senior officers from local authorities who lead on the policy area of relationships and behaviour; the Association of Directors of Education (ADES); and the Care Inspectorate; stakeholders were clear that the use of restraint and seclusion within all schools should be seen within the context of relationships and behaviour policy and they do not see merit in developing a separate national policy or guidance.

Scottish Government and Education Scotland officials met with the petitioner last month and I have now shared the draft section of 'Included, Engaged and Involved Part 2: A Positive

Approach to Preventing and Managing School Exclusions' which refers to de-escalation, risk assessment and duty of care, with the petitioner (the draft section is attached in Annex A). We are currently awaiting the petitioner's feedback. The draft guidance is being discussed at practitioner's events across the country over the next couple of weeks and we will specifically be discussing this section of the guidance.

At the meeting with the petitioner and colleagues from the Challenging Behaviour Foundation and the British Institute of Learning Disabilities (BILD), the 'communication passport' resource was shared with Scottish Government and Education Government officials. Officials were hugely impressed with the resource and committed to share it with schools and teachers across Scotland through the Glow network. This resource can also be shared with headteachers through professional dialogue in circumstances where this would be helpful.

In addition, we also shared details with the petitioner on the newly published self-evaluation document, *How Good is Our School 4 (HGIOS4)*, http://www.educationscotland.gov.uk/Images/HGIOS4_tcm4-870533.pdf which has a much stronger focus on safeguarding and wellbeing and will be used in inspections from August 2016. The toolkit includes quality indicators on 'Personalised Support', 'Ensuring Wellbeing Inclusion and Equality' and 'Safeguarding'.

Through inspection, HM Inspectors are able to ask about the wider aspects of safeguarding, as detailed in HGIOS4, which include promoting the welfare of children, and encompasses protecting children from maltreatment and ensuring that children are growing up in circumstances consistent with the provision of safe and effective care.

I hope this information is helpful.

Yours sincerely

Laura Farquhar
Learning Directorate

Annex A – Draft Section on ‘De-escalation, Risk Assessment and Duty of Care’ in the refreshed ‘Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions’.

There are times when children and young people will exhibit challenging behaviour. Staff who know a child or young person and have carried out appropriate assessment, should be able to foresee and plan for the type of situation which may cause that child or young person severe stress or frustration that can lead to challenging behaviour. Appropriate supports should be put in place to ensure the child or young person’s needs are met.

All local authorities have a duty of care in respect of the health, safety, wellbeing and welfare of the children and young people in its care. Local authorities should clearly articulate within their policy the expectations of staff under the duty of care ie. it is only acceptable to physically intervene with or to restrain a pupil where the member of staff reasonably believes in all the circumstances that if he/she does not physically intervene or restrain the child or young person, the child or young person’s actions are likely to cause physical damage or harm to that pupils or to another person. This should be done with the use of minimum possible force for the shortest time possible and should always be a last resort for staff.

Local authorities should develop their own policy level on de-escalation, restraint and physical intervention based on their own individual needs and context. This will help clarify to school staff what the appropriate levels of intervention are when handling more challenging behaviour, recognising that the majority of children and young people in our schools will never require any form of restraint or physical intervention. Conflict and aggression can be minimised when using effective de-escalation techniques and all staff should be provided with the opportunity for professional learning opportunities to support them in this.

A risk assessment should also be carried out to determine any potential risks posed by the child or young person’s behaviour and any steps that are deemed necessary to support the child or young person in preventing harm to themselves or others. This risk assessment should be shared with all staff who are involved with the child or young person, and where appropriate with the young person. Local authorities should again generate their own guidance about risk assessment.

Holding Safely (A Guide for Residential Child Care Practitioners and Managers about Physically Restraining Children and Young People (2005)), which can be used in educational settings, states: “. . . you may only physically restrain a child when it is the only practicable means of securing the welfare of that child or another child and there are exceptional circumstances. You must reasonably believe that:

- a child will cause physical harm to themselves or another person;
- a child will run away and will put themselves or others at serious risk of harm; or
- a child will cause significant damage which is likely to have a serious emotional effect or create a physical danger.”

If restraint or physical intervention are used, it should be part of agreed plan about how to support a child or young person safely. The plan should be discussed with the child or young person and the family.

Any individual plan to support behaviour should also contain information about what circumstances a child or young person may find difficult and about the types of things that may cause them distress. The plan should then state how the child or young person should be supported and should clearly outline strategies that should be used by staff before they would consider the use of physical intervention or restraint. A communication passport may

be a useful tool to help highlight to staff the areas of difficulty where a child or young person may require support and the strategies that are effective. These can also be more user friendly for a child or young person.

The rights of all children and young people should also be a key consideration when determining the best way forward in supporting a child or young person with regard to de-escalation, physical intervention and physical restraint.