

PE1548/F

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LEGACY 2014
XX COMMONWEALTH GAMES
SCOTLAND

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

Dear Ned

Thank you for the opportunity to respond to the above petition and the discussions that took place at Scottish Parliament's Public Petitions Committee on 17 March 2015. I would like to respond on behalf of the Scottish Government where a range of policy teams have an interest in this important issue.

Relationships and behaviour in schools

Current guidance on the use of restraint in residential childcare, [Holding Safely](#), covers broad advice and guidance and information that can be adopted by all schools and establishments. For example, it sets out the dilemma facing staff:

“If you restrain children when there are other workable, less restrictive options available to them, children are hurt, their rights are breached, the focus remains on behavioural issues rather than the whole child and their needs, and civil or criminal proceedings could also result. However, you should be aware that if you do not restrain a young person in situations when it is needed, it can be dangerous to them and to others. Restraining a child at the right time, in the right way, for the right reasons, can be a better thing to do than failing to restrain them. This guide is intended to assist in building your confidence about when and how to restrain a child.”

Previous guidance for all schools on child protection, Safe and Well (2005) did include some mention of the use of restraint, but this was withdrawn in 2013 as being out of date. In a letter issued by Dr Alasdair Allan, Minister for Learning, Science and Scotland's Languages to Directors of Education in 2013, it was suggested that Local authorities may wish to consider carrying out an audit of current child protection and pupil support guidelines to

ensure that all areas included in Safe and Well are now incorporated into their own child protection guidelines or other related policy guidance.

I recognise that the petitioner places great importance on the value of promoting positive behaviour in schools and I hope will be reassured that the Scottish Government recognises that the promotion of positive relationships and behaviour in schools is essential to ensuring all children and young people develop the four capacities at the centre of Curriculum for Excellence. The work of the Scottish Advisory Group on Relationships and Behaviour in Schools (SAGRABIS) contributes towards the Government's aim of making Scotland the best place in the world to grow up. SAGRABIS is jointly chaired the Minister for Learning, Science and Scotland's Languages and the Convention of Scottish Local Authorities (COSLA).

The remit of SAGRABIS is to provide advice to national and local government and other relevant stakeholders on matters relating to promoting positive relationships and behaviour in schools in order to create a positive ethos and climate for learning. The group promotes and supports the development of good relationships and positive behaviour in Scottish schools against a background of a positive ethos and culture of mutual respect and trust based upon shared values across whole school communities where everyone can learn and work in a peaceful and safe environment; provide leadership and consensus on effective strategies to promote positive relationships; and support staff to manage more challenging behaviour in schools and establishments. A priority for SAGRABIS this year is to review [*Included, Engaged and Involved Part 2: A positive Approach to Managing School Exclusions*](#) and a working group is currently in place to do so. The Scottish Government will commit to looking at the issue of seclusion and how that can be addressed within the context of this review.

In March 2013 the Scottish Government issued all schools with a copy of [*better relationships, better learning, better behaviour*](#) the SAGRABIS response to the [*Behaviour in Scottish Schools 2012 research*](#) (BiSSR). The response identified the next steps and priority actions to support local authorities, establishments, practitioners and partners to further improve relationships and behaviour within their learning community. This document makes clear that all local authorities should review, develop, plan and implement policy frameworks to support a focus on positive relationships and behaviour; as well as continue to use a wide range of strategies which encourage positive relationships and behaviour and focus on the promotion of wellbeing (e.g. restorative approaches). Education Scotland's Rights, Support and Wellbeing team support local authorities to review, develop, plan and implement policy frameworks on positive relationships and behaviour, linked to related policies and frameworks through strategic, integrated planning mechanisms.

Support Staff

The BiSSR 2012 research found support staff had significantly more negative perceptions and experiences of children and young peoples' behaviour than head teachers and teachers. Leading on from that *Better Relationships, Better Learning, Better Behaviour* recommended that:

“Support staff should be fully included in the school's strategic approach to promoting positive behaviour and relationships, including access to staff training. The training pack for support staff will be updated to take account of current policy and to provide advice on effective use of support staff as part of the class team.”

As a result, Education Scotland are running conferences aimed at support staff where they will hear from key note speakers and participate in workshops that will continue to aid their understanding of the wide range of strategies, plans and programmes for promoting positive relationships and behaviour used by local authorities and schools.

Feedback given during the conferences will be used to help inform and refresh the support staff questionnaire which is part of the Behaviour in Scottish Schools Research due to take place in March 2016. In addition, Education Scotland has already developed [new materials](#) to further develop support staff and these are available for authorities and schools to download from the Education Scotland website.

Child Protection and Children with Disabilities

The petitioner and petitions committee will find it helpful to know that Aileen Campbell MSP, Minister for Children and Young People, launched the [Child Protection and Disability Toolkit](#) on 21 May 2014, which was produced in partnership by WithScotland and the Scottish Government's Ministerial Working Group on Child Protection and Disability. It is aimed at practitioners and managers in child and family and disability services and is the only toolkit of its kind available to practitioners in Scotland. It includes information on research, a set of training and resource materials designed to help professionals understand the issues and good practice guidance to supplement the Scottish Government's [National Guidance for Child Protection in Scotland 2014](#). It also contains sections such as 'myth busters', case studies as well as a DVD in which disabled parents speak of their experiences.

The Scottish Government also published [additional guidance for child protection for disabled children \(2014\)](#). This is not specific to any particular setting, and states that inappropriate restraint, sanctions, humiliation, intimidation, verbal abuse, and having needs ignored; depending on the circumstances, may also be criminal offences, acts of gross misconduct and reportable to Police Scotland and relevant professional regulatory bodies.

The Scottish Government is committed to equality for disabled children and young people in Scotland, and to ensuring that all children can achieve their potential. By implementing the Getting it right framework (GIRFEC), the Scottish Government will ensure that all services and agencies working with disabled children and their families deliver a co-ordinated approach that is appropriate, proportionate and timely. This is strengthened through the Children and Young People's (Scotland) Act 2014.

Scottish Government also fund a wide range of organisations that work directly with disabled children and their families, to provide support and information, as well as the Family Fund who provide practical in the form of small grants to help families of disabled children buy essential equipment and other items.

The United Nations Convention of the Rights of the Child applies to all children and of particular relevance to disabled children are Articles 12; 23 and 31, to seek their views and enable their participation and inclusion in activities. Article 28 is also relevant which states that discipline in schools should respect a child's human dignity. The United Nations Convention on the Rights of Disabled People (UNCRPD) also applies to disabled children, including Article 15 which sets out the right to be free from torture or cruel, degrading or inhumane treatment or punishment. The petitioner may also be interested to know that Education Scotland have developed the [recognising and realising children's rights](#) resource and are supporting this training roll out in local authorities with an emphasis on all staff taking part.

Professional standards and code of conduct for teachers

The Scottish Government give the upmost importance to ensuring that our children and young people are safe in our schools which is why we established the General Teaching Council for Scotland (GTCS) as an independent body to ensure that everyone who works in Scotland meets the professional standards and code of conduct expected of our teachers. Teachers are required to adhere to those professional standards throughout their career.

At the core of the standards are four themes relating to the Professional Values and Personal Commitment of being a teacher. One of the themes is “Trust and Respect” which includes that core to being a teacher is “Providing and ensuring a safe and secure environment for all learners within a caring and compassionate ethos and with an understanding of wellbeing”.

Legislation and code of practice on additional support needs

Education authorities are required by legislation to identify, meet and review the needs of their pupils who have additional support needs. They are guided in implementation of their duties by a statutory code of practice. Scottish Ministers are required to report each year to Parliament on the implementation of additional support for learning and do so through annual reports to Parliament. The most recent report to Parliament was published on 2 April 2014 and is available from <http://www.gov.scot/Publications/2015/04/5650>

By enshrining elements of the Getting it Right for Every Child (GIRFEC) approach in law through the Children and Young People Act 2014, the Act will ensure there is a single planning approach for children who need additional support from services, create a single point of contact for every child and provide a holistic understanding of wellbeing. This common understanding of wellbeing underpins various duties that seek to promote, support and safeguard the wellbeing of children and young people. Statutory guidance, currently out to consultation, will make clear the expectation that local authorities, health boards and other partners should be working together to improve children’s wellbeing

I hope that the petitioner finds this information helpful.

Yours sincerely

Laura Farquhar
Support and Wellbeing Unit