

## **Enable Scotland**

We write in support of Petition PE 01548 lodged by Beth Morrison entitled National Guidance on the use of Restraint & Seclusion in Schools

We apologise for the late response to the Petition but do hope that it can be considered given the current circumstances.

ENABLE Scotland has campaigned for the rights of children age young people who have learning disabilities for many years and particularly on the issue of seclusion and restraint.

The importance of addressing seclusion and restraint in Scotland's schools was highlighted within ENABLE Scotland's *In Safe Hands?* Campaign.

There is limited statistical information available about the number of instances of seclusion and restraint in Scotland's schools. Following a series of complaints from parents across Scotland, in 2018, the Children's Commissioner used his powers of investigation for the first time and conducted a Scotland-wide investigation into the use of seclusion and restraint in our schools, published in *No Safe Place* (2018). This process identified: 2,674 incidents of restraint and seclusion relating to 386 children in the school year 2017/18, but also found that 10 local authorities failed to record all incidents, and a further 4 recorded none.

The United Nations Committee on the Rights of the Child is clear that restraint and seclusion may violate children's rights, including their right to be free from cruel, inhuman or degrading treatment or punishment, their right to respect for bodily integrity, and their right not to be deprived of their liberty. A joint report by PABBS and CBF in 2019 found that 58% of restraints on children resulted in injuries.

Our *In Safe Hands?* Campaign called for the Scottish Government to:

- Issue stronger, dedicated guidance on the use of restraint and seclusion in schools.
- Roll out Positive Support strategies in all schools through skilled staff, with a minimum standard that every school has at least two trained staff on site at all times.
- Introduce a duty of candour around restraint and seclusion for all schools.
- Strengthen transparency and accountability, with powers of oversight resting with the appropriate body.

We are pleased that the Scottish Government is taking forward its commitment to produce stronger guidance and are participating in the working group supporting the development of this guidance. ENABLE Scotland members are also participating in the process, and we look forward to the publication of the guidance later this year for consultation.

We are aware of the petitioners original request for this Guidance to be developed on a statutory footing, and we welcome the Deputy First Minister's commitment to review the status of the guidance one year after its publication, and his commitment to introducing statutory guidance if necessary.

Whilst the development of Guidance is a huge step forward, we remain concerned that without each aspect of the In Safe Hands? campaign being addressed children will continue to be secluded and restrained within Scottish schools; namely:

- Clarity of accountability and regulatory overview of seclusion and restraint in school settings
- Duty of candour to alert parents to incidents
- Training for education staff and parents

We hope that along with the committee you will give full consideration to our support of Mrs Morrison's petition and that the matter be moved forward with Scottish Ministers.

Yours sincerely on behalf of ENABLE Scotland

Jan Savage

Director of Charity and Membership

ENABLE Scotland