

PE1548/Z

Scottish Government letter of 29 November 2016

Thank you for your letter of 28 October following the Public Petitions Committee's first meeting of the session, which discussed the above petition. I read the most recent responses from the petitioner and Children and Young People's Commissioner with interest, and I am happy to provide updates on both points that you have raised.

As the petitioner has indicated, the Deputy First Minister met with Beth Morrison, Kate Sanger (Challenging Behaviour Foundation) Sarah Leitch and Ben Higgins (both the British Institute of Learning Disabilities) on 22 October. This was the first opportunity for the Deputy First Minister to meet with Ms Morrison and discuss the petition. At the meeting, the reasons behind the petition were discussed, including the individual experiences of Ms Morrison and her son, both at his previous school and at Carnoustie High School, where he now attends.

In addition, the meeting allowed the Deputy First Minister to hear more about Positive Behaviour Support (PBS) as an example of a preventative approach used in schools and the work of the Challenging Behaviour Foundation and British Institute of Learning Disabilities.

There was also an opportunity to discuss the draft guidance 'Included, Engaged and Involved Part 2: A Positive Approach to preventing and Managing School Exclusions', where positive feedback was received on the inclusion of a section on restraint, but there was a discussion about the nuances of the language used to describe seclusion, such as supported isolation. Ms Morrison also outlined her preference for policy on the use of restraint in schools to be enshrined in legislation.

Since that meeting, the Deputy First Minister chaired the Scottish Advisory Group on Relationships and Behaviour in Schools (SAGRABIS), attended by representatives including the teaching unions, the Association of Directors of Education (ADES), School Leaders Scotland (SLS) and the Association of Principal Education Psychologists (ASPEP) and discussed the exclusions guidance further. Following feedback from members of SAGRABIS who advised that schools do not use the term 'seclusion'; the term 'separation that is supported' was agreed. It deals with the necessity to separate in a way that is still providing help (as part of an agreed plan, but always as a last resort), but without the negative nuances suggested by the words isolation and seclusion. It is the Scottish Government's intention to publish this guidance as soon as possible, and we can update the Petitions Committee on this issue in due course.

In response to the recent Concluding Observations and recommendations from the UN Committee on the Rights of the Child, as identified by the Children and Young People's Commissioner, the Scottish Government has made clear that we are committed to incorporating further guidance on physical restraint within the refreshed guidance 'Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing Schools Exclusions' (IEI2). This guidance is for all children, including children with complex additional support needs, including those arising from learning disabilities.

The guidance will be clear that the use of physical intervention and physical restraint should be seen within the context of early intervention, positive relationships and

behaviour and used only as a last resort, in line with the UNCRC's recommendations. The guidance will also be clear that any incident where a decision is made to physically restrain a child or young person must be recorded and monitored. Details on how this should be undertaken should be included in a local authority's policy on de-escalation, physical intervention and restraint. The recording and monitoring of such incidents will help local authorities to monitor the effectiveness of their policy and practice and enable them to review and improve, where appropriate, their policy and also help identify professional learning needs.

The Scottish Government is also clear that 'isolation rooms' should not be used for disciplining children and young people. Our guidance will articulate that separation that is supported, should be included in an agreed plan and be used as a last resort. Where separation that is supported is used, it should be under supervision and take into account the additional support needs of the child or young person. Local authorities should ensure that appropriate support and training is provided where necessary and should include guidance on support following an incident for all those involved.

In addition to the review of the Included Engaged and Involved guidance, and as outlined in previous communications with the Petitions Committee, there is a range of work in place on the issue of restraint and supporting children and young people with complex additional support needs:

- Education Scotland have committed to publishing a 'Communication Passport' tool developed by Beth Morrison on the Glow network as an example of good practice in supporting children with complex additional support needs.
- SG Guidance 'Holding Safely' on the use of restraint in residential settings (which is applicable in schools and other establishments) was updated in 2013.
- The Scottish Government also published additional guidance for child protection for disabled children (2014). This applies to all settings, 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.
- With Scotland and the Scottish Ministerial Working Group on Child Protection and Disability produced a 'toolkit' for practitioners (2014). It is aimed at practitioners and managers in child and family and disability services. Ensuring disabled children's wellbeing is everybody's responsibility and an awareness of what constitutes best practice is essential. It is critical that all practitioners are aware of the potential vulnerability of disabled children and of what constitutes best practice in protecting them from the risk of abuse and neglect.

Since the meeting with the Deputy First Minister and Ms Morrison, officials have committed to including information on restraint and separation that is supported in other relevant guidance documents where this is appropriate. For example, there is an ongoing review of the guidance on the presumption of mainstream education and it would be appropriate that reference is made to the guidance which is being prepared on exclusion from school.