

PE1548/DD

Petitioner submission of 5 April 2017

I am very grateful for all the work the petitions committee has done on my petition, and especially so to the current committee as they will be meeting with John Swinney later this month to discuss the issues in my petition and also the communication passport resource which the Scottish Government has indicated they will roll out to all schools via the GLOW network.

The passport was developed by my friend Kate Sanger and her daughter Jenny and is an excellent (free) resource which would go a long way to helping education staff support children with additional support needs.

The use of the communication passport in schools is already happening. My own son's school in Carnoustie, Angus is using it and it is making a real difference. No one can support a child with additional support needs if they do not know about the child's condition, how that condition affects the child's life, their way of communicating and how communication impacts on their behaviour. The communication passport tells staff everything they need to know about the child. It incorporates a sensory profile as well as an individual positive behaviour support plan.

When I came to Holyrood back in March 2015, I came to the committee with a serious problem. However, we felt we also had a solution to that problem. We asked for National Guidance on the use of Restraint and Seclusion for schools caring for Scotland's most vulnerable children. We also said that if education staff were given the right resources and access to training in "Positive Behaviour Support" then it would make everyone's life easier and the reliance on the overuse of barbaric practises like restraint and seclusion would diminish.

The communication passport is the foundation of being able to support children in schools. It also underpins the focus on positive relationships to enhance the quality of life for disabled children. It is completely free to use and it works!

As you know, Mr Swinney has been invited to meet with the petitions committee members (I believe it's the 20th April) I do think that Mr Swinney genuinely wants to do his best. In fact, in his correspondence to the petitions committee he says that "The Children and Young People (Scotland) Act 2014 puts wellbeing on a statutory footing with the UNCRC." Mr Swinney goes on to say that "The UNCRC underpins getting it right for every child" (GIRFEC). This is all very well, but if that is correct, then surely the UNCRC recommendations must be followed and implemented in full.

I've been told that the National Guidance is still being written, but I have the following concerns.

1. Although I am reasonably satisfied that the guidance on the use of restraint and physical intervention as per my petition PE01548 is pretty much on track, the UNCRC recommendations were that all 4 of the UK Governments & Assemblies were to ensure the development of a NATIONAL recording system to monitor the use of restraint. According to Mr Swinney's latest response, he says "any incident where a decision is made to physical restrain a child must be recorded and

monitored.” He then says “details on how this should be undertaken should be included in **the local authority's policy** on de-escalation physical intervention and restraint.” I think we need clarity on this.

Are the Scottish Government happy to leave any data collection to the various local authorities? If so, how can we comply with the UNCRC in developing a NATIONAL recording system? I believe the UNCRC recommendations should be followed here.

2. The UNCRC recommendations were absolutely clear. They called for isolation rooms to be **ABOLISHED**. That word “abolished” means exactly that – they have to be gone and never used again to seclude children.

I am extremely concerned that the new National Guidance being written by The Scottish Government will not be sufficiently robust to ensure the UNCRC recommendations are followed. I fear that The Scottish Government will allow these rooms to stay under the guise of “supported separation”. Changing the language in an attempt to comply with the UNCRC is not acceptable. The very existence of these rooms means they will be used and children's rights will continue to be ignored. Again, why are the UNCRC recommendations not being implemented here?

3. We still don't appear to have a solution to the issue of independent regulatory oversight. I don't believe that Education Scotland are the right people to oversee the guidance is being followed. I spoke to Jan Savage at ENABLE Scotland last month and we wondered if the Mental Welfare Commission for Scotland could be given the jurisdiction to ensure compliance here?

4. The communication passport can be easily promoted and would be a great start to ensuring children's needs are met and their rights upheld.

I very much appreciate your time and attention, and thank you once again for your help in this matter. I am hopeful that between us all we can ensure the protection and wellbeing of children with disabilities in Scotland's schools.

Petitioner email of 11 April 2017

I know I have already written to you over the Easter break, but I wondered if you are aware that there was a programme by [BBC Five Live Investigates on the use of restraint & seclusion in special schools](#).¹ It aired on Sunday Morning. I told my son Calum's story and the campaign was mentioned too.

Sir Stephen Bubb was interviewed. Sir Stephen was head of the Winterbourne View Abuse inquiry and he is calling on England's Children's Commissioner to launch an inquiry. I have previously called for this too, but so far this hasn't been taken up.

The figures released by the BBC programme were shocking. Out of 207 councils UK wide, only 37 responded to the BBC FOI request. Of those 37 councils (and remember this was only "special schools") there were 13,000 restraints used. Of those, there were over 700 injuries caused to children due to restraint!

¹ I understand the programme will be available to listen to on demand until 12 May 2017.

As these figures represented roughly one fifth of the councils in England, Scotland, Ireland and Wales, the true figure is actually much higher and that does not include the children that have disabilities in mainstream schools either. It's extremely worrying.

We are not talking about children in secure units, we are not talking about neurotypical kids with behaviour problems. We are talking about the most disabled and in many cases medically fragile children in our society!

I hope you will agree that this is a National disgrace! This is legalised child abuse in our schools and its happening all over the UK.