

## Orkney

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**Sent:** 29 January 2019 16:38

**To:** Nick Hobbs <[nick.hobbs@cypcs.org.uk](mailto:nick.hobbs@cypcs.org.uk)>

**Subject:** Restraint and Seclusion: Responses to Priorities of the Children's Commissioner

For the attention of the Children's Commissioner, Scotland

Please find attached Orkney Island Council's responses, requested by your office, to your review of Restraint and Seclusion in Scotland's Schools. I have also attached our draft Challenging Behaviour Policy and our incident reporting template.

Thank you

Alastair Tait

1. Local authorities should, as a matter of urgency, ensure that no restraint or seclusion takes place in the absence of clear consistent policies and procedures at local authority level to govern its use.

OIC has a draft *Challenging Behaviour and Physical Intervention Policy* (attached) covering restraint and seclusion procedures, and this Policy will be submitted for approval at the next available committee meeting.

2. The Scottish Government should publish a rights-based national policy and guidance on restraint and seclusion in schools. Children and young people should be involved at all stages of this process to inform its development. The policy and guidance should be accompanied by promotion and awareness raising.

N/A

3. Local authorities should record all incidents of restraint and seclusion in schools on a standardised national form. Anonymised statistical data should be reported to the Scottish Government's Children and Families Directorate.

OIC currently has a template (attached) in compliance with the policy and will update that template as and when a national standard is made available.

4. The Scottish Government should analyse and publish this data as part of its official statistics.

N/A

5. Local authorities should ensure that all recording forms at school level include sections for de-escalation techniques considered and attempted, the child's and parents' and carers' views. They should be incorporated into the assessment and planning processes in place under Additional Support for Learning legislation and Staged Intervention processes, as well as the GIRFEC National Practice Model and SEEMiS data management system.

OIC's policy explicitly lays out requirements for adequate recording, reporting and follow-up (Section 4, P.7) around all incidents. Our Additional Support for Learning guidance and Staged Intervention processes are currently a major part of development workstreams following a recent authority-wide Support for Learning review.

6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.

As stated above, OIC has a draft policy awaiting approval. That policy will be made available to all Schools.

7. The Scottish Government should ensure that national policy and guidance is clearly set within a human rights framework, including specific reference to the relevant articles of the European Convention on Human Rights, the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities, and other relevant international human rights instruments.

N/A

8. The Scottish Government should ensure that the practical impact of respect for rights on practice is explained through the use of examples and case studies in national policy and guidance.

N/A

9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.

N/A

10. The Scottish Government should ensure that the national policy and guidance sets out clear criteria on the use of restraint and seclusion, linked to the rights framework to ensure that children's rights are not breached, using examples to help staff understand appropriate and lawful use of these techniques.

N/A

11. The Scottish Government should ensure that the national policy and guidance on the use of seclusion in schools draws a clear, well understood and well-communicated distinction between the use of a supervised, separate space as a planned response to a child's individual needs and placing a child in a room on their own where they are unable to indicate and receive an immediate response to discomfort or distress.

N/A

12. Local authorities should amend their policies where necessary to make clear that damage to property should only be a justification for the use of restraint or seclusion when it presents an immediate risk of harm to the child or another individual. The same principle should be reflected in national policy and guidance.

Explicit in policy (see section 3.5a)

13. Scottish Government and local authorities should ensure that all policies, whether at national or local level, make clear that restraint and seclusion are measures of last resort

OIC's policy is explicit about this (see especially, 3.5)

14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.

15. Local authorities should ensure that all children considered to potentially require physical intervention have a plan agreed in advance with the child and their parent(s) and/ or carer(s).

16. Local authorities should ensure that the child's plan is reviewed on a regular basis, as well as following any incident of restraint or seclusion.

17. Local authorities should ensure that parents and carers are informed as soon as reasonably practicable in every instance when restraint or seclusion is used on their child and offered the chance to take part in a post-incident review.

18. Local authorities should ensure that the views of the child are sought, recorded and reflected in all planning, risk assessment and post-incident reviews.

OIC is currently developing policy and practice through training events and programmes of staff development, within workstreams generated by the recent authority-wide review of Support for Learning.

19. Education Scotland and the Care Inspectorate should further scrutinise the use of restraint and seclusion in schools as part of their inspection regimes. The organisations should involve children and young people in developing ways of doing this that enable the voices of children with disabilities or Additional Support Needs to be heard.

N/A

19. Education Scotland and the Care Inspectorate should further scrutinise the use of restraint and seclusion in schools as part of their inspection regimes. The organisations should involve children and young people in developing ways of doing this that enable the voices of children with disabilities or Additional Support Needs to be heard

N/A

20. Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.

OIC's policy does not say 'only'. We feel that this renders inappropriate some instances justifying physical intervention – if a child runs out in traffic, or if there's a playground fight as a staff member happens to walk by, for example. Nevertheless, we feel that section 3.11 is in the spirit of this priority.

21. Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.

This is OIC's policy and practice (see, 3.11).

22. This training should be rights based and in line with the Council of Europe recommendations set out in Recommendation 2004(10) and with the principles in the Common Core.

See description of Studio 3 training (5 Appendices)