

## Highland

**From:** Bernadette Cairns  
**Sent:** 31 January 2019 08:32  
**To:** 'info@cyps.org.uk'  
**Subject:** Response to No Safe Place report

Please find attached Highland Council's response to the recommendations to the No Safe Place Report from the Children's Commissioner.

The report is a welcome addition to the information available in respect to this area. It can be a controversial area of work which lacks clarity and we think the office of the Children's Commissioner for gathering and reporting on information across Scotland and highlighting good practice examples along with the recommendations.

We have provided a response to the recommendations that are directed towards the Local Authority but would be happy to provide further detail should this be required.

Bernadette Cairns



Head of Additional Support Services

Highland Council Headquarters, Glenurquhart Road, Inverness

Tel: IV3 5NX 01463 702875 e-mail:

[bernadette.cairns@highland.gcsx.gov.uk](mailto:bernadette.cairns@highland.gcsx.gov.uk)

### **Highland Council Draft Response – No Safe Place**

#### **Recommendations**

Under Section 11 of the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner requires those organizations who are the subject of recommendations to respond in writing setting out:

- (a) What they have done or propose to do in response to the recommendation; or
- (b) If they do not intend to do anything in response to the recommendation, the reasons for that

Section 5 : our V and A forms don't have space for parental/child comments but we do take those into account in the Child Plan and Behaviour Support plan.

Section 15/16 – I think generally people are ok at setting them up (but does depend on HT ability, skills and previous experience) but are maybe not good at reviewing them. When they are started people tend to say, “We’ll review as and when necessary” rather than setting a date to review and also not sure that folk remember to review the Risk assessment.

Section 17: not sure how good HTs are at this – they are hopefully doing it but I don’t know that they are

Section 20: due to the monitoring of the PPR team when schools with no staff CALM trained use physical intervention, someone from the PPR team makes contact with the school to discuss/review practice/see if CALM training is needed.

Section 21: there is a staged approach to our training. All staff should have done De-escalation training (forgotten the new name) then have taken part in Functional Analysis activities before doing the CALM Theory and then Physical Intervention 2 days. At each stage there is discussion about the necessity of the Physical intervention training. It isn’t just a case of ask and you’ll get it. It also needs evidenced by V and A forms.

Section 22: It has been a while since I have done the CALM Theory training but would that be a good place to include some of the information in No Safe Place and the underpinning Children’s Right

**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.**

Highland Councils policies on physical intervention and on seclusion are set within a context of good practice in Promoting Positive Relationships. These policies both deal with situations where physical intervention or physical restraint may be used and will assist staff to be aware of the type of situation where it is acceptable or unacceptable to intervene physically, The Highland Council accepts that there are situations where as an act of duty of care, physical intervention or physical restraint may be necessary. What we lack in our policy review is a clear voice of the child. discussions are ongoing as to the best way to gather children;s views to inform and influence the written policies we have.

**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.**

Highland Council record and monitor all incidents of physical intervention/ restraint and seclusion using its own format designed for that purpose; this could be easily transferred to a standard national form. It would therefore not be an issue to report centrally is required.

**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.**

Highland Council requires schools to ensure that protocols between parents/carers, the pupil and school staff about how to prevent, minimise and manage specific, potentially problematic situations are agreed and established where a pupil presents with distressed behaviour. The protocol begins with a strengths based approach so that the pupil can develop better self-esteem and staff have the opportunity to form a good relationship with the pupil under positive conditions and develop and meet wellbeing needs.

The protocols have de-escalation strategies specific to the pupil embedded within them and link clearly to targets that may be included in the pupil's plan. In all cases parents/carers and the pupil must be partners in these processes.

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

Highland Council requires that all incidents of physical restraint and/or seclusion are recorded on the relevant forms. These forms are closely monitored to ascertain if any patterns are developing or if further action has to be taken, and by whom.

**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.**

Although this is not a recommendation for local authorities, it is worth mentioning that Highland Council already has guidance and specific training in place which demonstrates a clear distinction between Time out and Seclusion.

**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.**

Highland Council policy on the use of physical intervention states that physical intervention should only be used where the risks of physical intervention are judged to be less than the risks that would be posed by not intervening. In no other circumstances can physical intervention or restraint against a pupil be justified.

**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.”**

Highland Council’s policy on physical intervention includes the following principles:

- Physical intervention, up to and including physical restraint, should be used only as a last resort when all other strategies have been considered.
- Such physical intervention should serve to de-escalate or prevent a violent or potentially violent situation.
- Physical intervention should not be used as a method of enforcing discipline or compliance when there is no serious risk to individuals.

Our in house Instructors ensure that all trained staff are aware of the principles and apply them to their practice. Regular re-accreditation and core de-escalation training is on-going and encourages continued best practice.

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

Under Section 3 – Assessment, In Highland, we note any protocols that are in place. These protocols have robust risk assessments and de-escalation strategies specific to the pupil embedded within them and link clearly to targets that may be included in the pupil’s plan.

**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).**

In Highland, protocols are developed and agreed for and with pupils, where distressed behaviour is foreseeable and predictable. Once the triggers and difficulties are known, the pupil talks through ways of dealing with situations in which he/she is uncomfortable. This is done in small steps with achievable outcomes and gives the pupil the opportunity to talk through how they will deal with / cope with / respond to situations i.e. make a plan for what to do rather than just react

**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.**

In Highland, Child's Plans are reviewed on a regular basis. After any significant incident of restraint or seclusion, a member of the Promoting Positive Relationships Team will visit the school to offer support and guidance and plans/protocols are updated as a result of this

**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.**

This is an extract from the Highland Council policy – 'Parents/carers should be contacted by the Head of Establishment at the earliest opportunity, and on the same day in all cases. Both the pupil and the parents must be made aware of the reasons why restraint was necessary. The views of the pupil and parents should be recorded at the time of discussion. Highland Council supports a well embedded staged approach to supporting pupils and it would be expected that a de-briefing system is incorporated into the strategy in each establishment as part of the policy on promoting positive relationships and dealing with confrontation.'

**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.**

Planning is already in place to do this. The SHANARRI indicators will be used in a restorative conversation, or in a talking mat, to encourage connection to wellbeing and the UNCRC

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

In Highland, the Care and Learning Service have trained instructors in CALM techniques. This leads to a consistency of practice for all our young people where restraint or seclusion is used..

Highland Council has a comprehensive quality assurance procedure and maintains a database of trained staff which is monitored and updated weekly. Trained staff are bound by agreement to maintain a regular record of planned CALM technique practice sessions.

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

All staff who require specialist training to support safe physical intervention or seclusion in Highland attend 3 full days training and should only employ methods the of physical intervention for which they have received training. All staff working with children and young people are however offered training in more preventative and early intervention measures eg. emotional literacy, understanding adverse childhood experiences, how to build positive relationships etc.

**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.**

Training in Highland is only provided after a rigorous risk assessment procedure and is delivered within the legislative framework of UNCRC. However, we appreciate that our policy and guidance documents could be clearer in our expectations in relation to meeting the rights of the child and the rights of people with disabilities.

The Highland Council's instructors will deliver training according to the "BILD Code of Practice for Trainers in the Use of Physical Interventions; Learning Disabilities; Autism and Pupils with Special Educational Needs."