

## North Lanarkshire

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## Education and Families

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Children and Young People's Commissioner Scotland  
Bridgeside House  
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Dear Sir or Madam

### No Safe Place

Please find attached our response to recommendations with regard to the above.

Yours faithfully



Judi Pollock  
Education Officer (South)

| Re | Local Authority Level   | Scottish Government/Other Organisations  |
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| 1  | A draft policy was prepared in August 2018. It defines physical restraint and seclusion and provides guidelines on the rare occasions in which physical restraint may be considered legitimate. Beyond these limited circumstances it is clear that physical restraint and seclusion are not permitted. A final draft is currently under preparation following publication of <i>No Safe Place</i> and further consultation carried out by the Authority. |  |
| 2  |   | NLC fully endorse and welcome the publication of a rights-based national policy and guidance on restraint and seclusions in schools given the apparent variation |

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|    |  | in approaches across the 32 authorities. We strongly believe that such a national policy could only be effective where the voices of the children and young people are at the heart of the policy.  |
| 3  | NLC endorse the recommendation of a standardised national form but are of belief that this would need to be created at a national level with contributions from all relevant agencies, young people should be included. Crucially there is no standard definition of restraint or seclusion and a working definition is required to support staff e.g. would guiding a young person by the arm away from harm be defined as a form of restraint? |   |
| 4  |  | Yes we agree. As part of the development of data analysis, NLC would make preparations for providing data to the Scottish Government and look forward to clearer guidelines from the Scottish Government on its procedures for gathering of such information and analysing and publishing the statistics. |
| 5  | NLC use a GIRFMe plan and as part of our overall policy review, would incorporate de-escalation techniques as appropriate to the young person's needs. The plan is always shared with and agreed with the young person and/or parents/carers   |   |
| 6  | Schools that have staff trained in the use of physical intervention and have pupils with behaviour support plans that indicate that physical restraint may be required as a last resort, record all incidents. As part of the quality improvement process, the records of these schools are monitored by an improvement officer. This is an interim measure introduced in the absence of national guidelines.                                    |   |
| 7  |  | NLC's current review of its policy framework places an emphasis on human rights and we are encouraged by the proposal that this will be the approach of the Scottish Government.  |
| 8  |  | Yes we agree, and would like to see thematic inspections by Education Scotland providing practical examples of the positive impact of a rights based approach to promoting positive behaviour and relationships.  |
| 9  |  | We strongly agree (as referenced in response to Rec 3   |
| 10 |  | We strongly agree – this would support staff in schools to be confident in their duty of care to others and children and young people in their care.  |
| 11 |  | Yes we strongly agree with this and this would be part of the planning for this child if they required time out to de-escalate and allow them time and space in a safer environment to regulate their emotions, whilst  |

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|    |  | ensuring there was always a member of staff available to provide the support the young person needs.   |
| 12 | Our draft management circular has removed any previous reference to damage to property.  |  |
| 13 |  | Yes we would agree, we believe that any type of physical intervention should always be the last resort. However circumstances will arise that have not been planned for and will require a member of staff to physically intervene to save a young person from the risk of seriously self-harming themselves or where their behaviour may seriously harm others. In such unplanned circumstances the view to do nothing could lead to a worst outcome for some very vulnerable children. |
| 14 | Currently, planning for de-escalation features in Behaviour Support Plans where they are deemed appropriate and necessary. Risk assessments are carried out separately using generic risk assessment tools. It is the intention of NLC to incorporate all support for behaviour and emotional wellbeing into the Getting It Right For Me plan and develop a more specific risk assessment tool appropriate to learners who may have ASN. |  |
| 15 | Yes we agree but would highlight that there will be occasions where unplanned or unanticipated situations arise and require some type of intervention if de-escalation strategies and techniques are not effective. Staff have to respond to these situations as a duty of care and to prevent the risk of immediate self-harm.  |  |
| 16 | In NLC, BSPs are reviewed on a regular basis. Whilst we expect that there are debriefs with staff and young persons involved, this practice requires further consistency and training.   |  |
| 17 | Parents and carers are usually informed immediately after any incident. They are not normally included in the professional post-incident review but are usually invited to discuss the incident with the Head Teacher.   |  |
| 18 | Currently, the child or young person is involved in the development of the BSP and is part of the review process in the form of restorative discussions.<br>NLC seek to ensure greater consistency in the recording of the child or young person's views.  |  |
| 19 |  | NLC welcome the recommendation that regulatory bodies further scrutinise the use of restraint and seclusion. It intends to incorporate scrutiny of physical intervention in its own Validated Self Evaluation  |

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|    |  | <p>process and continuous improvement support to schools.</p> <p>It is currently working on ways of improving support to children and young people with language and communication difficulties and complex needs to ensure their views around health and wellbeing, child protection and personal safety are heard. These include social stories and talking mats.</p> |
| 20 | <p>Current NLC guidelines indicate that physical intervention can only be carried out by staff trained by a professionally recognised body. It is currently moving towards adopting a unified training package to be delivered by NLC trainers. It is hoped that this will improve consistency in schools and establishments including residential facilities and children's homes run by the Council.</p> |   |
| 21 | <p>The move to a consistent approach across the Council will ensure that all staff working with vulnerable people are trained in de-escalation techniques but only those deemed to need training for actual intervention have the appropriate training.</p>  |   |
| 22 | <p>Training by current providers complies with all relevant legislation and non-statutory guidance. The proposed training programme will be based on our rights based approach to working with children and young people.</p>  |   |