

Scottish Borders

From: On Behalf Of Logan, Tracey
Sent: 18 February 2019 12:19
To: Nick Hobbs <nick.hobbs@cypcs.org.uk>
Subject: RE: Restraint and Seclusion investigation published
Importance: High

Dear Nick

We confirm receipt of your letter to Tracey Logan today, with copies for Shona Haslam and Nuala McKinlay.

Can I please apologise profusely for the delay in responding to your e-mail, this is being dealt with urgently and we hope to respond to you today, tomorrow latest.

Again apologies for this oversight.

PA to Chief Executive
Corporate Management Support Team
Scottish Borders Council, HQ,
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From: Easingwood, Stuart <seasingwood@scotborders.gcsx.gov.uk>
Sent: 18 February 2019 22:01
To: Nick Hobbs <nick.hobbs@cypcs.org.uk>
Subject: Response from Scottish Borders Council
Importance: High

Dear Mr Hobbs

I would like to formally apologise for the delay in responding to this request, it is regretted. Attached is the response from Scottish Borders Council, in writing as requested. Clearly a significant number of the points raised refer to the Scottish Governments need for National policy / guidance and we will eagerly await this being launched to ensure that Scottish Borders Council are in line with this. Other actions identified in the report are already in progress locally, as detailed in the attached response.

If you have any questions / queries regarding this, please do not hesitate to contact me.

Regards

Stuart C. Easingwood

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Chief Social Work and Public Protection Officer /

Interim Service Director Children and Young People

Scottish Borders Council

No Safe Place: Seclusion and Restraint in Scotland's schools: Scottish Borders Council response to the report and recommendations

SBC welcomes the Scottish Children & Young People's Commissioner's office report 'No Safe Place' and will take the recommendations into account in the ongoing review of our local policy in this area.

Recommendation	Action
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.	We currently have a working group building our inclusion strategy which has highlighted the need for us to update our policy.
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.	We feel that guidance is currently contained within IEI2. We agree with the need for policy and we await for this to be produced by Scottish Government to enable us to develop local policy and guidance. We will give due consideration to involvement from children and their parents and carers as well as the wider implication from education policy and Health and Safety that are locally determined.
3. Local authorities should record all incidents of restraint and seclusion in schools on a standardised national form. Anonymised statistical data	We propose to standardise our recording system for any instances of restraint and seclusion.

should be reported to the Scottish Government's Children and Families Directorate.	
4. The Scottish Government should analyse and publish this data as part of its official statistics.	Any reporting of data would need to be done within the broader context of reporting on IEI2.
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.	We propose to ensure that all recording at school level includes each of the sections detailed including de-escalation considered and attempted as well as a response section for parents/carers and young people.
6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.	An urgent memo will be sent to all schools from the chief officer to remind them of the requirement to record restraint and seclusion incidents whilst schools await our standardised format.
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.	We will respond to this on a local level once we have received national policy and guidance.
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.	We will respond to this on a local level once we have received national policy and guidance.
9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.	We will respond to this on a local level once we have received national policy and guidance.
10. The Scottish Government should ensure that the national policy and guidance sets out clear criteria on the use of restraint and seclusion,	We will respond to this on a local level once we have received national policy and guidance.

<p>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.</p>	
<p>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.</p>	<p>We will respond to this on a local level once we have received national policy and guidance.</p>
<p>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.</p>	<p>We propose to develop a policy which includes guidance on restraint and seclusion and will take these points into consideration.</p>
<p>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."</p>	<p>We currently have a working group building our inclusion strategy which has highlighted the need for us to update our policy where it will be made clear that restraint and seclusion are measures of last resort.</p>
<p>14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.</p>	<p>As part of local training around the child's plan we will ensure that guidance is given to include these under the wellbeing indicators where appropriate.</p>
<p>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).</p>	<p>This will be developed as part of our inclusion strategy ensuring where unplanned physical intervention has been required a plan is then either implemented or reviewed.</p>
<p>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.</p>	<p>Agreed as above.</p>
<p>17. Local authorities should ensure that parents and carers are informed as soon as reasonably practicable in every instance when restraint or seclusion</p>	<p>As an authority all schools are being trained in Restorative Approaches. We propose to issue guidance to schools as part of inclusion strategy.</p>

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.	The local authority will seek the views of the child where appropriate.
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.	HMIE includes this in its Safeguarding protocol discussions and asks for records to be available to view.
20. Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.	Restraint will only be carried out by trained staff other than in case of emergency and guidance will be issued as part of our inclusion policy.
21. Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.	A comprehensive Professional Learning programme is delivered and reviewed on an annual basis.
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.	We await Scottish Government direction on appropriate training. In the meantime we train staff as required in Team Teach as a part of our holistic wellbeing training.