

South Lanarkshire

From: MacLeod, Alex <Alex.MacLeod@southlanarkshire.gov.uk>

Sent: 04 February 2019 10:16

To: Inbox <inbox@cypcs.org.uk>

Subject: "No Safe Place" response

Colleagues

Due to a glitch in our email system, South Lanarkshire Council's response to your report on restraint and seclusion in Scotland's schools didn't reach you on Friday of last week.

I have attached it to this email and I'm hoping that you will be able to accept it as part of the general discussion on this crucial issue.

Please get back to me if you need any more information.

Best regards

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South Lanarkshire Response to recommendations within Children's Commissioner Report "No Safe Place"

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.

South Lanarkshire Council's current policy that deals with these concerns is called "Promoting Positive Relationships and Behaviour". It sets out that restraint or physical intervention is part of the duty of care for practitioners and should only be used in circumstances when a practitioner believes that there is imminent risk of harm either to the child or to other children or adults in the vicinity. This is set out in straightforward terms within the policy. At the same time the bulk of the policy focuses on the need for practitioners to develop strong positive relationships with children to avoid such situations and also recommends de-escalation processes in circumstances when children are distressed. A key aspect of this is South Lanarkshire's commitment to training for staff when circumstances demand a consistent approach. This training is provided

by Crisis Prevention Institute as is called Pivotal-MAPA. It allows a tailored approach to training depending on the needs of the school and pupil in question.

Regarding the use of quiet rooms and seclusion, such rooms are part of the ASN school estate and draft policy on best practice in the use of these rooms is being developed presently.

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.

South Lanarkshire endorses this recommendation and would welcome further advice and guidance. Officers from Education Resources have met very recently with staff from Education Scotland to discuss our approach as part of an engagement to determine best practice across the country.

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.

South Lanarkshire Council has provided advice and guidance to schools about methods to record and analyse incidents of restraint and seclusion. This work has been led by senior managers within our Social, Emotional and Behavioural Needs provision and our Severe and Complex Learning Needs provision. These practitioners have developed clear methods of recording analysing and de briefing on incidents and then planning forward in conjunction with families and children to work to avoid further incidents. South Lanarkshire recognises that such recording needs to be collated in a consistent format to be provided to Scottish Government so that trends and issues can be analysed in a productive way to inform best practice. South Lanarkshire will be happy to work with other stakeholders to fashion such a recording tool.

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

South Lanarkshire Council agrees with this recommendation.

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.

South Lanarkshire Council's current policy that deals with these concerns is called "Promoting Positive Relationships and Behaviour". This policy centres a response to distress within Staged Intervention and Getting it Right for Every Child. It directs school managers to plan effective interventions using the "Behaviour Assessment and Support Plan" that will include agreed strategies, including de-escalation strategies, to support young people in their physical, social, emotional and mental wellbeing. This will include the active participation of parents and child in determining what works to reduce distress and allow learning to happen.

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

South Lanarkshire Council is currently running a full review of the Promoting Positive relationships and Behaviour policy previously referenced. It is our intention in doing this to ensure that whatever revised form of recording of any incident of restraint or seclusion will involve a method of centrally collating and analysing trends within Education Resources.

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.

South Lanarkshire Council agrees with this recommendation.

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.

South Lanarkshire Council agrees with this recommendation.

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

South Lanarkshire Council agrees with this recommendation.

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.

South Lanarkshire Council agrees with this recommendation.

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.

South Lanarkshire Council agrees with this recommendation. Our draft policy sets this principle within the context of working in partnership with parents, hearing and acting on the voice of the child and setting all interventions within the Getting it Right for Every Child National Practice Model.

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.

South Lanarkshire Council agrees with this recommendation. Our current Promoting Positive Relationships and Behaviour Policy and our revised draft policy both have this as a central tenet of the duty of care statement.

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.

South Lanarkshire Council agrees with this recommendation. Our current Promoting Positive Relationships and Behaviour Policy and our draft policy on the use of quiet rooms sets any planning and intervention within the context of de-escalation and physical intervention as a last resort.

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

South Lanarkshire Council agrees with this recommendation. The Behaviour Assessment and Support Plan used within our authority has been designed to provide a robust risk assessment of behaviours to inform planning and response.

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).

South Lanarkshire Council agrees with this recommendation. The Behaviour Assessment and Support Plan used within our authority is a collaborative document which by necessity involves parents and the child in planning next steps.

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.

Revised guidance on the review of a behaviour assessment and support plan will be incorporated in our refreshed policy.

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 element of good practice within our present guidance. Its importance will be highlighted within our new revised policy and procedures.

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.

Our Behaviour Assessment and Support Plan is agreed and signed by parents. The child's views are sought and considered. Within our new policy we will stipulate that the views of the child concerning how staff will support them must be sought and recorded within the actual plan. Presently such views are recorded within pastoral notes and within the Additional Support Plan.

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.

South Lanarkshire Council agrees with this recommendation.

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

South Lanarkshire Council is rolling out Pivotal-MAPA training (non-physical elements) as described above across the authority with a clear emphasis on de-escalation and understanding the causes of, triggers for and ways of managing risky or harmful feelings in children and young people. In circumstances when staff work with children whose plans could include the need to hold safely or intervene physically at times, our commitment is to ensure that these staff are trained in the requisite skills.

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

See the response to previous recommendation

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.

South Lanarkshire Council agrees with this recommendation.