

Inverclyde

From: Grant McGovern <Grant.McGovern@inverclyde.gov.uk>

Sent: 05 February 2019 21:35

To: Nick Hobbs <nick.hobbs@cypcs.org.uk>

Subject: Restrain and Seclusion Response - Inverclyde Council

Nick

Please find attached Inverclyde Council's response to the 22 recommendation in the recent "No Safe Place" report by the Children's Commissioner.

Best wishes

Grant

Grant McGovern

Head of Inclusive Education, Culture & Communities

Education Services

Inverclyde Council

Wallace Place

GREENOCK

INVERCLYDE

PA15 1JB

 **Tel:** 01475 712828

 **Email:** grant.mcgovern@inverclyde.gov.uk

Inverclyde Council website – www.inverclyde.gov.uk

Inverclyde on Twitter – twitter.com/inverclyde

	Recommendations	Inverclyde's response
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.	Inverclyde already has in place clear, consistent policy and procedures to govern the use of physical intervention/restraint and/or seclusion in our policy Positive Relations Positive Behaviour policy (PRPB policy). This policy will be annually revisited in all educational establishments e.g. alongside

		<p>August in-service Child Protection PowerPoint, Fire Safety etc.</p> <p>We shall aim to ensure that there is a clear understanding within our educational establishments regarding what is meant by seclusion. It will be part of the induction process for all new staff in education services in Inverclyde</p>
2	<p>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.</p>	<p>Inverclyde already has involved children and young people in the development of the PRPB policy. Within your report we note that Inverclyde was also highlighted positively for our direct involvement of children and young people in the policy development.</p> <p>We will update our PRPB policy to include statements regarding children and young people's views. We will also expect educational establishments to involve children and young people in raising awareness of the policy content</p>
3	<p>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.</p>	<p>Inverclyde already records critical incidents. However we will amend our current critical incidents form to provide clarity regarding what specifically is a critical incident, what is to be recorded regarding de-escalation, incidents of restraint and seclusion.</p> <p>We will also provide specific training for new staff on the use of this reporting paperwork.</p>
4	<p>The Scottish Government should analyse and publish this data as part of its official statistics.</p>	<p>We agree that this may be useful data, however this could only be achieved after there are clear nationally agreed definitions, expectations and approaches.</p>
5	<p>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</p>	<p>Inverclyde's policy and procedures already include information regarding de-escalation techniques attempted. We will amend the form to include the child, parent and carers views which would be gathered at an appropriate point.</p> <p>We will also consider within the recording/reporting form inclusion of information such as confirmation that de-</p>

	data management system.	<p>escalation strategies are in place or that a Child's Planning (TAC) meeting will be held to formulate the approaches.</p> <p>We will aim to make the paperwork manageable for staff, children, parents and carers.</p>
6	In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.	<p>Inverclyde will review its current its PRPB policy on recording, reporting and collation of critical incident to better identify the use of:</p> <p>De-escalation; Restraint; and Seclusion.</p> <p>This will include guidance on the inclusion of appropriate narrative to distinguish between levels of physical intervention and restraint.</p>
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.	Agreed
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.	<p>Exemplification is generally a good idea. In this context there may, however, be some difficulties as no two situations are alike.</p> <p>Moderation of practice could create shared understanding of definitions used and our responses to situations.</p>
9	The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.	<p>This may be beneficial as the current policy Included, Engaged and Involved (Part 2 – June 2017) (IEI2) is partly referenced against the UNCRC (P28) when reference about seclusion.</p> <p>The current national guidance, derived from IEI2 (P26-28) talks about <i>physical intervention</i>, rather than restraint. It would be helpful for national documentation to use a common form of language usage that is rights based.</p>
10	The Scottish Government should ensure that the national policy and guidance sets out clear	IEI2 sets out criteria for the use of Physical Intervention and Seclusion (IEI2

	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.	P26-28). Again this is only partly cross referenced against the UNCRC. To boost this area would be advantageous. As already stated there would need to be care taken around exemplification as no two situations are completely alike. Local moderation of practice could be a positive step forward.
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.	IEI2 (P27) sets out clear expectations around seclusion. These provide a solid basis for policy and practice.
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.	Inverclyde's policy does not require to be amended regarding damage to property as this is not considered within the policy as a justification for physical intervention / restraint. Our policy is clear that it is " <i>only acceptable to physically intervene where a member of staff reasonably believes that if they do not physically intervene the child or young person's actions are likely to cause physical damage or harm to that pupil or to another person</i> "
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."	Inverclyde's policy already makes clear that physical intervention/restraint and/ or seclusion are last resort measures. It is seen as an agreed plan managed under supervision, taking account of the additional support needs of the child or young person, is recorded and time limited.
14	Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.	Inverclyde's policy already includes detailed de-escalation strategies and recommendation regarding 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).	Inverclyde's policy already includes the requirement that a detailed plan for physical intervention is agreed in advance unless in exceptional circumstances where the child or young person is endangering their or others safety. All plans are agreed with their parents or carers

		<p>On occasions that are considered as exceptional circumstances, e.g. where a pupil has never demonstrated the potential for aggression or violence to others it is important that staff professional judgement can be trusted. This requires to be underpinned by clear, concise policy and guidance at establishment level.</p> <p>This is part of our current policy and seen as good practice across Inverclyde.</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.	Inverclyde's policy currently sets out the expectation regarding reviews of child's plans. This requires multi-agency TAC partnership approach to the delivery of our GIRFEC model. This, again, is part of ongoing good practice across Inverclyde.
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.	Parents/carers are informed of every instance of restraint and, if considered appropriate, physical intervention, or seclusion. They are a standard part of the process of reviewing the incident and planning next steps.
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.	<p>Taking the child or young person's view in relation to planning is viewed as significant and impactful. However, gaining the child or young person's view on Risk Assessment and planning for the potential of physical intervention could be extremely sensitive and, indeed, be counter-productive. This would require multi-agency agreement on the young person's capacity to be involved.</p> <p>Inverclyde's Restorative Practices approach provides an opportunity to reflect through restorative conversations and next steps are recorded and put in place. This is recorded in the SEEMIS Pastoral Notes module.</p> <p>Pupil views are currently sought in terms of the Wellbeing Application and review.</p> <p>Inverclyde's Critical Incident Reporting procedures and pro-forma will be reviewed to take account of this recommendation.</p>
19	Education Scotland and the Care inspectorate should further scrutinise the use of restraint	Education Scotland's Inspection process already has in place opportunities for

	<p>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.</p>	<p>professional dialogue with senior managers to gain this information through safeguarding and scrutiny of important policies including PRPB. There are also opportunities for any parent or carer to discuss concerns with HMIe during the inspection process.</p> <p>Inverclyde' annual Clyde Conversation youth conference is a recognised conduit for participation for all young people across the Authority to have their voice heard and to be included in policy development. There is a specific focus on the voices of representation from those identified as most vulnerable in our communities, e.g. ASN, Disabled, LGBTQI+.</p> <p>This has been identified as sector leading practice in Inverclyde's recent Children Services inspection by the Care Commission.</p> <p>In terms of equity it would be expected that establishments would routinely gather the full spectrum of views of children and young people as part of their self-evaluation and improvement planning cycle.</p>
20	<p>Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.</p>	<p>In circumstances where there are more likely to be instances requiring physical intervention and/or seclusion practices required staff will have been trained. However in situations where a young person is endangering their or others safety staff in these circumstances there is not the expectation that they would have been trained.</p> <p>As stated previously, it is essential that in those exceptional circumstances intervention is underpinned by clear and coherent policy in each establishment.</p> <p>Following publication of IE&I2 an addendum was included in Inverclyde's PRPB Policy clarifying the need, purpose and parameters for physical intervention and seclusion.</p>

		<p>Given the emphasis that intervention needs to be proportionate and needs led it is not necessary for physical intervention to be carried out only by trained staff.</p> <p>This again re-emphasises the need to clarity in the differentiation between levels of physical intervention and restraint.</p>
21	Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.	<p>Inverclyde facilitates the provision of PPB training which include de-escalation as well as physical intervention to only those staff in establishments where there is considered to be higher level of need for this type of response. The training is thus provided proportionate to the assessed need of each individual establishment.</p> <p>There is sufficient flexibility in this process to take account of changing circumstances for both individual children and young people and establishments.</p>
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.	<p>Agree</p> <p>The philosophy and rational underpinning PPB (Promoting Positive Behaviour – see: Clyde Valley Learning and Development Committee) is based around safeguarding and protecting young people and their rights with explicit reference to rights mentioned is that of Article 37 (No child should suffer cruel or degrading punishment).</p>