

**Perth and Kinross**

31/02/2019

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**Delayed Office Opening for  
Employee Training**

*This office will be closed from  
8.45am - 11.00am on the first*



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Mr Bruce Adamson

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Our ref      RH/

Your ref

Date          31 January 2019

Dear Mr Adamson

**No Safe Place: Seclusion and Restraint in Scotland's Schools': Perth and Kinross Council's response to the report and recommendations**

I am writing to confirm that Perth and Kinross Council has received the above report and officers are in the process of agreeing any further actions for Perth and Kinross schools arising from the report recommendations. It is noted that some of the recommendations require consideration by other partners and we welcome any further information that supports the future development of our local response to the issues the report raises.

Our response to the recommendations is appended. Perth and Kinross Council have had a policy on the use of physical intervention since 2003 and which was updated in 2014. Our policy is based on the understanding that all behaviour is a form of communication and that any physical intervention is a last resort. Over this period of time staff have been trained and record any use of physical intervention techniques. More recently, an online recording system has been introduced to support staff to review and evaluate their actions. The system also provides quality assurance of practice across all schools and in turn informs further training and support.

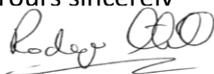
Perth and Kinross Council had already decided to establish a consultative group which will be chaired by a senior education officer (Inclusion) to revise our policy as we had recognised that seclusion was not included and that there was a need to further emphasise the importance of understanding of behaviour in the context of positive relationships. The recommendations from your report helpfully provide a focus for the work of this group. The consultative group will include:

- Education Additional Support Officer (and CALM Coordinator)
- Education Additional Support Officer (Early Years) (and CALM Associate)
- Educational Psychologist
- Teacher and support staff union representatives
- Special School Headteacher
- Primary School Headteacher
- Secondary School Senior Leader
- Service Manager Children, Young People and Families

In addition we intend to involve parent representation from one of our local ASN support groups and take into account the views of a sample of young people with ASN.

We plan to have a policy drafted and consultation to be completed for the start of the next academic session.

Yours sincerely



Rodger Hill

Head of Education: Secondary & Inclusion

| Recommendation   | Action   |
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| 1. Local authorities should, as a matter of urgency, ensure that no restraint or | Fully agree – Perth and Kinross Council's Education and Children's Services have a clear |

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| <p>seclusion takes place in the absence of clear consistent policies at a local authority level to govern its use</p>  | <p>policy on the use of physical intervention. Restraints are reported centrally as they occur, allowing monitoring to be undertaken. The policy will be reviewed and revised in line with the recommendations from this report through a consultation process with staff members from a variety of job roles, parents and young people.</p>  |
| <p>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.</p>  | <p>Whilst guidance is available in Included, Engaged and Involved Part 2, Scotland remains the only country in the UK where there is not a national policy. In the writing of such policy it would be important to retain a relationships focus to support staff understanding of their responsibilities to use proactive approaches to limit the requirement for any restraint or seclusion.</p> |
| <p>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.</p>  | <p>Agreed. Recording all instances of restraint has been in place in all PKC schools for a number of years. An electronic reporting format allows for data to be analysed in a variety of different ways to discover any patterns that may exist. The review and revision of current policy will ensure that incidents of seclusion are dealt with in the same manner.</p>                        |
| <p>4. The Scottish Government should analyse and publish this data as part of its official statistics.</p>   | <p>This should be done in relation to wider-reporting as opposed to in a stand-alone manner.</p>  |
| <p>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.</p> | <p>Agreed - PKC reporting forms already includes this.</p>  |
| <p>6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.</p>  | <p>Agreed. PKC will include recording of seclusion in the revised policy.</p>   |
| <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,</p>   | <p>Agreed. PKC will strengthen this reference in the revised policy.</p>  |

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| and other relevant international human rights instruments.  |  |
| 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.   | Agreed, this would support staff understanding.  |
| 9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.   | Agreed - there remains a lack of consistency in understanding of the term seclusion in particular.                             |
| 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.  | Agreed.  |
| 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. | Agreed – many staff members remain unclear about this.   |
| 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.   | Agreed - this needs to be illustrated in terms of managing risk.   |
| 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.   | Agreed – PKC policy already makes this clear in terms of restraint. Seclusion will be similarly covered in the revised policy. |
| 14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.  | Agreed - in PKC this is covered in the risk assessment form (from Holding Safely), which is an appendix to the child'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).   | Agreed – this is already in place in PKC.  |

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| <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 – this is the advice already being given in PKC.</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 is used on their child and offered the chance to take part in post-incident review.</p>  | <p>Agreed – this is part of the online recording mechanism being used in PKC.</p>  |
| <p>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>  | <p>Agreed. The manner in which this is done remains variable across PKC schools. This is something we will endeavour to rectify in the revised policy.</p>                               |
| <p>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 ways of developing this that enable the voices of children with disabilities or Additional Support Needs to be heard.</p> | <p>Agreed.</p>   |
| <p>20. Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.</p>   | <p>Agreed – PKC policy and guidance states this for all instances other than emergencies, such as a child running onto a road where staff response is covered by their Duty of Care.</p> |
| <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>   | <p>Agreed. All staff can access theory training, however staff only receive training in any physical intervention techniques as a result of risk assessment.</p>                         |
| <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>  | <p>Agreed.</p>   |