

West Lothian

Educational Psychology Service

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Response to “No Safe Place – Restraint and Seclusion in Scotland’s Schools” West Lothian Council

West Lothian Council welcomes the recommendations put forward in the report. Within West Lothian Council, the following policies and guidelines are available for schools to provide them with advice, guidance and clarity on their responsibilities in relation to supporting the wellbeing of children and young people in our schools.

- Promoting Positive Relationships Policy (January 2018) – based on Included, Engaged and Involved Part 2
- Continuum of Support (August 2018)
- Education Services Policy on Looked After Children (June 2018)

These policies provide information relating to the importance of relationships in creating positive learning environments. They acknowledge that all behaviour is communication and that adults must work together with children and young people to foster effective, nurturing relationships that will provide a climate for effective learning and teaching.

An overview of current work within West Lothian Council with reference to the key recommendations of the report is provided below.

Recommendation 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.

Our Promoting Positive Relationships Policy provides guidance on the use of Seclusion as a strategy which is in line with that provided in Included, Engaged and Involved Part 2. It also provides guidance on the circumstances under which it would be consider appropriate to use physical intervention to bring a situation to a safe conclusion.

Recommendation 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.

Whilst West Lothian Council would be fully supportive of the involvement of children and young people in this debate, we feel that statements relating to the issues of restraint and seclusion should be embedded within the existing Included, Engaged and Involved Part 2 framework so as to set them within a wider context of the importance of relationships and whole school nurturing approaches.

Recommendation 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.

It is recognised that national data on this issue will be of interest and value if used to best effect. Clear and specific guidance on the type of information to be gathered would be required in order to avoid differing thresholds of reporting. It should be clear for what purpose any national reporting would take place, and what outcome would be achieved from it.

Any national recording mechanisms should be considered in line with additional recording systems already in place within schools in order to reduce the administrative burdens associated with national reporting. Links with existing health and safety recording systems should also be considered.

Recommendation 4 - 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.

In West Lothian Council we are currently introducing the PIVOTAL Managing Actual and Potential Aggression (MAPA) training in our schools. This training provides clear and specific strategies for effective de-escalation and is intended to provide staff in schools with greater confidence in supporting children and young people showing distressed behaviour. The focus will remain on the importance of relationships. There are no plans to introduce the physical intervention aspect of this training in our mainstream schools.

In our schools for children and young people with severe and complex needs, we will be introducing the physical intervention element of the MAPA training. This is intended to provide staff and children and young people with more robust approaches to supporting distressed behaviour.

As part of the implementation process, we will be working closely with staff and parents to develop effective reporting mechanisms based on detailed planning at individual child level. All children for whom physical intervention is agreed as an appropriate strategy will have an individual plan. The recording process will require detail of the de-escalation techniques employed prior to physical intervention being applied.

In summary, West Lothian Council have recently updated key Education Service Policies in line with guidance contained within Included, Engaged and Involved Part 2. We will continue to revise and augment this guidance based on feedback and subsequent guidance from the Scottish Government.

We would welcome further discussion regarding any aspect of planning at any point.

Appendices

Promoting Positive Relationships Policy

West Lothian Continuum of Support

From: McNiven, Jennyfer <Jennyfer.McNiven@westlothian.gov.uk>

Sent: 11 April 2019 08:24

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

Subject: RE: FAO Director of Education - Restraint and Seclusion investigation - [OFFICIAL]

DATA LABEL: OFFICIAL

Dear Mr Hobbs

Please find a supplementary response from West Lothian Council attached for your information. Should you require anything further, please do not hesitate to let us know.

Kind regards

Jennyfer McNiven

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“No Safe Place” – Supplementary Response, April 2019

Recommendation	West Lothian Council Response
<p>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.</p>	<p>Policy in place.</p> <p>West Lothian Continuum of Support recently updated to incorporate IEI Part 2 guidance.</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.</p> <p>The policy and guidance should be accompanied by promotion and awareness raising.</p>	<p>In agreement but feel this should be rooted within the existing approach of the Included, Engaged and Involved framework.</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>Will implement a system based on a standardised national form.</p>
<p>4. The Scottish Government should analyse and publish this data as part of its official statistics.</p>	<p>Noted</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>West Lothian Council is currently implementing Managing Actual and Potential Aggression (MAPA) training with identified staff.</p> <p>For those schools who engage with this training, guidance will be developed on the use of appropriate recording tools which will include the recording of appropriate de-escalation strategies that work for each individual pupil.</p>

<p>6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.</p>	<p>We currently have only one provision who have received formal training in the use of restraint and seclusion. This establishment has appropriate recording mechanisms in place to record this as required.</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, and other relevant international human rights instruments.</p>	<p>Agree</p>
<p>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>	<p>Agree</p>
<p>9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.</p>	<p>Agree – again with consideration given to locating this work within the existing framework of Included, Engaged and Involved.</p>
<p>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.</p>	<p>Agree. This would be useful for Local Authorities seeking to implement policy at local level.</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</p>	<p>Agree</p>

<p>receive an immediate response to discomfort or distress.</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>This area is covered in our existing policy. We will be amending the policy in light of recent decisions regarding the implementation of MAPA training and will seek to strengthen the statements as part of that process.</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. ensure</p>	<p>Agree – this is already included in our local policy.</p>
<p>14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.</p>	<p>Agree – we will be working with schools as part of the introduction of the MAPA training to ensure that its application is considered consistently within the Child's Planning process.</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>We have only one school for children and young people with social and emotional needs in which physical intervention training (CALM) has been implemented. In recent months, we have been working on significantly increasing the use of de-escalation strategies to reduce the requirement for physical intervention. This has proven highly successful. We are therefore not aiming to use physical intervention as a key approach within this setting going forwards. However, for those circumstances where it is used, it is done so through negotiation and planning with families. Going forwards, we will be using the MAPA approach within this setting.</p> <p>We will also be looking to support an additional school for children with severe and complex learning needs with the introduction of the physical intervention elements of the MAPA training and will ensure that this level of planning is built into the child's planning framework in this school.</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>Our Child's Planning process is embedded within practice in schools and takes place in line with the level of need of the individual child.</p> <p>As part of the implementation process for MAPA in our school settings, we will ensure that this level of planning is built into the child's planning framework in this school.</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 a post-incident review.</p>	<p>As outlined above, our use of physical intervention is minimal currently with evidence to suggest that through significant focus on de-escalation techniques, the requirement is reduced further.</p> <p>The child's planning process is embedded within practice in our schools and, when physical intervention has been applied, the child and family are included in the planning process to ensure any changes to the planning process are implemented effectively.</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>The child's view is already a key part of our approach to Child's Planning.</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 developing ways of doing this that enable the voices of children with disabilities or Additional Support Needs to be heard.</p>	<p>Agree</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>Agree – we have only had one establishment (Primary SEBN) who have been using physical intervention strategies as part of a planned approach. We have recently sought to train a team of trainers within the local authority in the use of MAPA.</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>We have begun our training with staff in our Inclusion and Wellbeing Service and two of our special schools for pupils with severe and complex learning needs.</p> <p>We are currently working on an analysis of circumstances across our mainstream schools to consider the appropriateness of providing the de-escalation element of the MAPA training in these locations.</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>We believe that the MAPA training meets these criteria.</p>