

Dumfries and Galloway

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No Safe Place: Seclusion and Restraint in Scotland's Schools Dumfries and Galloway Council's response to the report and recommendations

We welcome the report No Safe Place and the work of the Scottish Children & Young People's Commissioner in highlighting the challenges and complexity associated with restraint and seclusion in Scotland's schools.

While it is positive to note that Dumfries and Galloway Council is identified in the report as an "area of good practice" in emphasising the rights of children and young people, we recognise the challenges both locally and nationally as set out in the recommendations.

We will continue to work with colleagues through COSLA, ADES and with Education Scotland in considering the recommendations in the context of the ongoing implementation of relevant policy, including: Included, Engaged & Involved Part 2, GIRFEC and Additional Support for Learning Policy and Guidance. Along with our local implementation of our nurture and restorative approaches, we are reviewing local practice in response to the findings and recommendations.

We are in broad support of the Report's recommendations and more specifically support the response already submitted by ADES. We are specifically keen to ensure that any further development of national guidance and policy does not inhibit the capacity for local adaption and good practice.

Yours sincerely

Hew Smith
Integration and Inclusion Manager

Recommendations

Under Section 11 of the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner requires those organisations who are the subject of recommendations to respond in writing setting out: (a) what they have done or propose to do in response to the recommendation; or (b) if they do not intend to do anything in response to the recommendation, the reasons for that

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.	Agree - Dumfries and Galloway Council has policy and procedures for all schools; and data is monitored at an Authority level. Following the publication of the report we reviewed the policy against the findings and recommendations.
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.	Included, Engaged & Involved Part 2 continues to be embedded in practice, with the emphasis on nurture and relationships. Separating seclusion and restraint from these core aspects of our approach would not be helpful. Continued focus on a rights-based approach alongside greater safeguards through monitoring of procedure, should preclude the need for additional national policy and guidance. We agree that children and young people should be involved in co-producing policy guidance and will implement this area for improvement.
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.	Agree – currently the formal recording of all incidents of restraint is required, using a local template based on the safe handling providers processes. Adopting a standardised template would need to meet the requirements of our commissioned safe handling providers. We currently review data monthly.
4. The Scottish Government should analyse and publish this data as part of its official statistics.	It is very important that any data is contextualised with the wider positive behaviour and relationships across our schools.
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	Agree - our approach focuses on de-escalation. Our review evidenced that planning has been sat apart from child's plans. We are working on addressing this issue within our local

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.	procedures and would welcome national direction for any GIRFEC and SEEMiS changes.
6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.	Agree – we have adjusted our policy and guidance to ensure that all incidents of seclusion are being accurately recorded.
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.	Agree – through IEI 2.
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.	Agree – we would welcome more examples and case studies to support IEI 2.
9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.	Agree – through IEI 2.
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.	Agree – through IEI 2.
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 – through IEI 2.
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.	Such a singular proposal needs careful consideration about how it is applied in context and fluidity of assessing and responding to 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.”	Agree – we already do this in policy and through training.
14. Local authorities should ensure that the child’s plan includes de-escalation techniques and a risk assessment.	Please refer to recommendation 5.
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).	Agree – we are reviewing our local Positive Handling Plans to address this recommendation.
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.	Agree - our policy and guidance recommend this.
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.	Agree – we require the first part of this recommendation (alert parent/ carers) and are working on our post-incident response to address the latter (involvement).
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.	Agree – this is a requirement of our post-incident reporting/ de-brief processes.
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.	Agree – Education Scotland include this in Safeguarding discussions.
20. Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.	Agree – we require this of our staff, but also recognise a duty of care exists that may require a physical intervention to avert immediate threat to “life and limb”.
21. Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.	Agree – we already only provide safe handling techniques where an assessment has identified the need. Our staff training primarily focusses on de-escalation.
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.	Agree.