East Lothian

From: Robertson, Fiona <frobertson@eastlothian.gov.uk>
Sent: 31 January 2019 20:31
To: Nick Hobbs <nick.hobbs@cypcs.org.uk>
Subject: Restraint and Seclusion investigation published

Dear Nick,

Please find attached East Lothian Council's response to the recommendations set out within the restraint and seclusion investigation report.

Regards,

Fiona Robertson

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Head of Education

John Muir House

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Seclusion and Restraint in Scotland's schools:

Recommendation	Action
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.	Fully agree. The agreement by the East Lothian Council Education Committee to pass the 'managing distressed and challenging behaviour' policy in November 2018 ensures we have an up–to-date policy in this area. Implementation plan is in place and we are progressing awareness raising and training for all school staff. There is agreement in principle with the EIS that this training should be considered as part of the working time agreement. Our policy defines seclusion and states that it should not be used in any ELC education establishment.
2. The Scottish Government should publish a rights-based national	Agree in principle and this should map over from IEI2 and GIRFEC.

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.	Agree about rights based approaches but we also need to consider wider implications from education policy and Health and Safety that are locally determined. I am not sure about children and young people being fully aware of the range of needs and situations that are presented in schools but agree policy development should consider the views of children and young people alongside other stakeholders.
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 that every incident should be recorded but unless SG put in place a national system then we should have discretion to determine which system and form to use. The system in East Lothian also records others aspects of Health and Safety across the whole Council. As well as seclusion and restraint our system records violent incidents. Concerns about the requirement to send this data to SG without any context.
4. The Scottish Government should analyse and publish this data as part of its official statistics.	Concern about national reporting of this data as it is a reductionist approach and does not consider the broader context of the local authority and the settings. Any reporting of data would need to be done within the broader context of reporting on IEI2, and not stand-alone.
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.	Agree. Our forms and pupil support plans include this. We do not use the SEEMIS management system for this type of recording.
6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.	Fully agree and we are doing this. We have put in place a monitoring group who meet on a monthly basis to analyse the information and offer follow up support to schools. Need to ensure this remains a priority task and we retain central staff with skills and expertise in this area.

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. I admit that Human Rights is an area that there needs to be more training and guidance available. These rights will be for adults working in schools too. Local Authorities will also need to consider other aspects of their duties e.g. health and safety
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 and where possible highlight situations where this can be challenging and conflicting with other aspects of health and safety.
9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.	Agree, would be helpful to ensure consistency.
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 this would be helpful.
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.	Agree and this is included in our new policy in this area. Challenges with monitoring and ensuring this is followed through in 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	Agree. In our policy this is set within the assessment of risk and least intrusive intervention.

policy and guidance.	
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. This is very clear in our policy.
14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.	Agree. This is very clear in our policy.
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. This is very clear in our policy.
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. We advise this. This is in our 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.	Agree, we include this in the recording template. Agree and contained in policy. We also ask that children and staff are offered post incident review and support.
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 but monitoring this is difficult.
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. HMIe includes this in Safeguarding protocol discussions.
20. Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.	Agree other than in case of emergency, e.g. child running out in front of a car.
21. Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.	Our new position is that all staff should have access to de-escalation training and only in specialist provisions or by agreement by ASN team will more specialist physical restraint training be offered.
22. This training should be rights-based and in line with the Council of	Agree. We use an external service

Europe recommendations set out in Recommendation 2004(10) and with the principles in the Common Core.	