

South Ayrshire

From: Hutchison, Douglas <Douglas.Hutchison@south-ayrshire.gov.uk>

Sent: 31 January 2019 12:47

To: Inbox <inbox@cypcs.org.uk>

Subject: CYPICS Investigation Report: Restraint and seclusion - South Ayrshire Council

Dear Colleague

Please find attached a response to the report on restraint and seclusion. South Ayrshire will review current practice once again in light of the report, particularly with a view to reinforcing children's and young people's rights and ensuring we carry out robust children's rights and wellbeing impact assessment.

Regards

Douglas

Douglas Hutchison | Director of People & Depute Chief Executive | douglas.hutchison@south-ayrshire.gov.uk | Direct Line 01292 612234 | South Ayrshire Council | County Buildings | Wellington Square | Ayr | KA7 1DR | www.south-ayrshire.gov.uk

Seclusion and Restraint in Scotland's schools: response to recommendations – South Ayrshire Council

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.	Currently in place. South Ayrshire has clear guidance that is complemented by a robust training programme. This emphasis is always on de-escalation and considerate planning for risks through assessment.
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.	Matter for Scottish Government
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.	South Ayrshire's current system of reporting allows for scrutiny, support and challenge for schools and incidents.

4. The Scottish Government should analyse and publish this data as part of its official statistics.	Matter for Scottish Government
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.	South Ayrshire's Positive behaviour plans currently incorporate this.
6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.	All South Ayrshire schools are doing this as part of our current guidelines.
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.	Matter for Scottish Government
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.	Matter for Scottish Government
9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.	Matter for Scottish Government
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.	Matter for Scottish Government
11. The Scottish Government should ensure that the national policy and guidance on the use of seclusion in	Matter for Scottish Government

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.	
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.	South Ayrshire's current practice and training aims to ensure risk is managed appropriately and forms the basis of the plan to support is key. The overall approach is set within the assessment of risk and least intrusive intervention.
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."	Matter for Scottish Government
14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.	This is already the major part of South Ayrshire's positive behaviour planning process and training provided to staff.
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).	South Ayrshire ensures that the views of children, parents or carers are an integral part of our risk assessment and planning processes.
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.	All plans are reviewed after a critical incident.
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.	South Ayrshire include this in the recording template.
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.	South Ayrshire management guidance to schools is currently consistent with this recommendation. Further consideration needs to be given as to how non-verbal (or those without capacity) learners can be consulted.
19. Education Scotland and the Care Inspectorate should further scrutinise	Matter for Education Scotland and Care Inspectorate

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.	
20. Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.	South Ayrshire guidance reflects this recommendation in normal circumstances, however in cases of emergency such as a child running out in front of a car, the duty of care takes precedence.
21. Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.	South Ayrshire current practice is consistent with this recommendation, although broader de-escalation training is available to all staff.
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.	It is our aim to ensure all practice is rights based.