Stirling

31//01/2019

I have attached a brief response to the recommendations made in 'No Safe Space'.

I hope that this is sufficient and I hope I have not missed an e-mail communication asking for any particular detail in response.

On the whole we have found the report very helpful at a time when we are updating our Positive Behaviour Policies into Positive Relationships Policies and strongly embedding nurture principles and relationships and resilience as guiding principles in our work. It has provoked a supported many practice improvement discussions and I have been very reassured that as a Council our schools hold values in line with those recommended in the investigation at a time of increasing additional support needs and pressures on the system.

Regards

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Seclusion and Restraint in Scotland's schools: response to recommendations

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; Stirling has clear guidance, but we are also aware that it does not yet fully reflect the views of young people and we are in the process of updating Positive Behaviour Policy into Positive Relationships Policy to reflect improvements

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.	Agree. This would reflect GIRFEC and the more positive messages developing with IEI both parts. We prefer not to link restraint and seclusion with exclusion in our policies.
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. This would prove helpful. We record on corporate health and safety forms but we are developing different processes to better reflect the involvement of children and young people.
4. The Scottish Government should analyse and publish this data as part of its official statistics.	Any reporting of data would need to be done within a broader context
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. Current recording forms include this but not yet child and parent views – these are in development. Child's plans include child's and parent's views and are integrated as described.
6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.	Agreed
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.	Agreed
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

9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.	Agreed, 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.	Agreed. This would be helpful and supportive and fully reflect the already existing practice and values.
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. We have this guidance in place – clarifying the positive use of small rooms as the appropriate use.
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.	This needs to be 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."	Agreed
14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.	Agreed
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
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.	Agreed

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.	Agreed and new forms will support this.
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.	Guidance is clear of expectation and monitoring can ensure that this practice is in place through audit and spot checks.
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.	Agreed, 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.	Agreed and in place.
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.	Agreed