



**PUBLIC PETITION NO.**

**PE01548**

**Name of petitioner**

Mrs Beth Morrison

**Petition title**

National Guidance on Restraint and Seclusion in Schools

**Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to

1. Introduce National Guidance on the use of restraint and seclusion in all schools; this guidance should support the principles of:

- Last resort - where it is deemed necessary, restraint should be the minimum required to deal with the agreed risk, for the minimum amount of time
- Appropriate supervision of the child at all times, including during “time out” or seclusion.
- Reducing the use of solitary exclusion and limiting the time it is used for (e.g. maximum time limits)
- No use of restraints that are cruel, humiliating, painful and unnecessary or not in line with trained techniques.
- Accountability of teaching and support staff for their actions; this should include recording every incident leading to the use of seclusion or restraint and monitoring of this by the local authority.
- Regular training for staff in how to avoid the use of restraint
- Where restraint is unavoidable training in appropriate restraint techniques by British Institute of Learning Disability accredited providers and no use of restraint by untrained staff.

2. Appoint a specific agency (either Education Scotland or possibly the Care Inspectorate) to monitor the support and care given in non-educational areas including the evaluation of the use of restraint and seclusion of children with special needs in local authority, voluntary sector or private special schools.

**Action taken to resolve issues of concern before submitting the petition**

- We have met with special advisers on children’s policy to the Scottish Government and explained our concerns to them.
- We have spoken with Education Scotland, who are responsible for the inspection of Scottish Schools.
- We met and wrote to the Minister for Children and Young People on some of these problems in 2013. The Minister responded that “that the wellbeing and safety of children and young people in Scotland is a key priority for the Scottish Government.” The Minister also added “I hope that you are assured that your concerns have been

taken very seriously.”

## Petition background information

No national guidance on the use of seclusion and restraint for children in local authority day schools exists in Scotland. Such policies exist for some other groups of young people. For example, a policy exists for looked after children in the care of local authorities; however there currently is no government policy that provides protection for children with special needs who attend local authority education or care facilities on a daily basis.

This is a particularly acute problem for children with complex additional support needs who may attend either special or mainstream schools. A number of them have communicative behaviours that are unfamiliar to staff and without clear guidance then an inappropriate response may occur.

Over the last 4 years, some parents in Scotland have become increasingly concerned at what appears to be the inappropriate use of physical and other forms of restraint techniques at special schools attended by their children. Incidents have been reported in a number of areas.

Such incidents include prone restraint, inappropriate wheelchair restraint, and children being kept in seclusion with no monitoring of the length of time they spend alone / no risk assessment done of the effect this might have on them. On some occasions this is alleged to have resulted in injury and considerable distress for the children and young people involved in the incidents.

Some of these incidents have been the subject of the investigation by the police. There have been both internal reports by Dundee City Council and a further commissioned independent report by Alistair F Marquis, MBE, BA, MEd, DipCollEd, FCollP i

These confirmed that a number of “the injuries sustained had been caused as a result of the restraint techniques used.”

Parents report that serious problems can occur in local authority schools that operate without such national guidance.

Lack of a clear and appropriate guidance prevents a consistent approach to recording and dealing with such incidents appropriately. It would appear that currently local authorities are under no obligation to have such a policy and currently there is no national guidance on how local councils should design such policies.

The emphasis in responding to behaviours that challenge must always be on prevention where appropriate based on a functional assessment that informs an active support plan delivered by adequately trained staff reflecting an underlying whole school approach. Physical restraint should always be the last resort to clearly define and identify best practice in the use of restraint, time out and seclusion with specific reference to schools. If this is not the case then it may be that local authorities who do not have adequate policies in place are breaching the government’s statutory duties under human rights legislation to promote and protect children and children with disabilities human rights.

The United Nations United Nations’ Convention on the Rights of Persons with Disabilities (2006) requires that states (Article 16) ensure “guaranteed freedom from torture and from cruel, inhumane or degrading treatment or punishment” (Article 15). If adequate policies and guidance are not in place in many Scottish Schools regarding whether staff can touch children, when such touch may constitute restraint and when such restraint may be required in order to exercise their duty of care or conversely constitute abuse then this would appear to represent a failure to guarantee such rights.

This example highlights the urgent need for national guidance on the appropriate use of seclusion and restraint in schools as well as robust recording procedures and regular staff training.

ENABLE Scotland's position statement on the appropriate use of restraint and seclusion in schools could be a starting point for the development of new national guidance, along with the existing guidance ii for the appropriate use of restraint with looked after children in the care of local authorities and Mental Welfare Commission guidance iii on the appropriate use of restraint with adults with mental illness, learning disability and related conditions.

The British Institute of Learning Disability also has guidance available "BILD Code of Practice for minimising the use of restrictive physical interventions: planning, developing and delivering training." However like all the other guidance and statements above, it is not mandatory.

We are calling on the Scottish Government to address this policy gap as a matter of urgency to ensure the safety and wellbeing of all school children.

However to be effective guidance must be monitored and there is currently a gap in protection for some of the most vulnerable children and young people in Scotland. Whilst Education Scotland has a role in inspecting special schools, they do not have a specific role in looking at matters of care and dignity (beyond in an educational sense). So, for example, if there was a concern about children's toileting needs not being met, then this wouldn't fall under their remit.

There may be an assumption that the Care Inspectorate would pick this up, in fact, unless the school is a registered care provider, they would currently have not remit to become involved. Most local authority special schools are not registered with the Care Inspectorate.

This is a serious gap. Meaning even where guidance exists there is no clear way of ensuring its implementation. Subsequently there is no independent body with which to raise concerns about poor practice, neglect or abuse. This can be even more serious where such concerns are on about institution- wide practice where it is impossible to bypass line management in making complaints or concerns known.

i The Marquis Report,  
<http://www.everybodysjob.co.uk/documents/52bReportforFamilies.pdf>

ii Holding Safely (The Scottish Institute for Residential Child Care, 2005).

iii Rights, Risks and Limits to Freedom (Mental Welfare Commission, 2013).

#### Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01548>

#### Related information for petition

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

**YES**

**How many signatures have you collected so far?**

1

## Closing date for collecting signatures online

17 / 02 / 2015

## Comments to stimulate online discussion

No national guidance on the use of seclusion and restraint for children in local authority day school exists in Scotland. Such policies exist for some other groups of young people. For example, a policy exists for looked after children in the care of local authorities; however there currently is no government policy that provides protection for children with special needs who attend local authority education or care facilities on a daily basis.

This is a particularly acute problem for children with complex additional support needs who may attend either special or mainstream schools with a learning support base. A number of them have communicative behaviours that are unfamiliar to staff and without clear guidance then an inappropriate response may occur.

Parents in a number of areas report that serious problems can occur in local authority schools that operate without such national guidance.

Such problems include prone restraint, inappropriate wheelchair restraint, and children being kept in seclusion with no monitoring of the length of time they spend alone / no risk assessment done of the effect this might have on them. On some occasions this is alleged to have resulted in injury and considerable distress for the children and young people involved in the incidents.

While there is lots of guidance around about what should happen such as the British Institute of Learning Disabilities "BILD Code of Practice for minimising the use of restrictive physical interventions: planning, developing and delivering training." However like all the other guidance and statements above, it is not mandatory.

We are calling on the Scottish Government to address this policy gap as a matter of urgency to ensure the safety and wellbeing of all school children.