



## Briefing for the Public Petitions Committee

**Petition Number:** [PE 1548](#)

**Main Petitioner:** Beth Morrison

**Subject:** Guidance on Restraint and Seclusion in Schools

Calls on the Parliament to urge the Scottish Government to introduce National Guidance on the use of restraint and seclusion in all schools [...] and 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 or private special schools.

### Background

#### *Guidance*

Current [guidance](#) on the use of restraint in residential childcare,  *Holding Safely*, covers broad advice and guidance and information that can be adopted by all schools and establishments. For example, it sets out the dilemma facing staff:

“If you restrain children when there are other workable, less restrictive options available to them, children are hurt, their rights are breached, the focus remains on behavioural issues rather than the whole child and their needs, and civil or criminal proceedings could also result. However, you should be aware that if you do not restrain a young person in situations when it is needed, it can be dangerous to them and to others. Restraining a child at the right time, in the right way, for the right reasons, can be a better thing to do than failing to restrain them”.

Previous guidance for all schools on child protection, *Safe and Well* (2005) did include some mention of the use of restraint, but this was withdrawn in 2013 as being out of date. All local authorities should provide staff with guidelines on appropriate levels of intervention including physical restraint.

Green’s education manual states that:

“The use of physical intervention in any situation can only be justified as a last resort, when all other strategies for resolving the incident have

failed. Staff would also require to be trained in appropriate intervention techniques, which had been approved by their employing authority or board of management". (para 3:5.6.4)

The National Child Protection Guidance (updated 2014) covers child protection issues wherever they arise. The Scottish Government also published additional guidance for [child protection for disabled children](#). While this is not specific to any particular setting, it states:

"...inappropriate restraint, sanctions, humiliation, intimidation, verbal abuse, and having needs ignored; depending on the circumstances, may also be criminal offences, acts of gross misconduct and reportable to Police Scotland and relevant professional regulatory bodies".

[WithScotland](#) and the Scottish Ministerial Working Group on Child Protection and Disability produced a '[toolkit](#)' for practitioners. It is aimed at practitioners and managers in child and family and disability services.

### *Specific Concerns*

The petition is not about specific incidents but rather asks for national guidance. However, as background it is worth noting that there have been concerns in relation to the use of restraint in residential schools over the years (See this report from the then Scottish Institute of Residential Childcare in 2007, available from [CELCIS](#)). More recently there have been concerns about Kingspark School in Dundee, which is not a residential school. The Scotsman has reported parents' concerns and a police investigation:

Last year a review of concerns about Kingspark carried out by Alastair Marquis, an independent education consultant, called on the school to review how it manages pupils with "challenging behaviour". The report said greater emphasis should be put on promoting positive behaviour, with restraining techniques only to be used as a "very last resort". ([Scotsman 17 January 2015](#))

### *Monitoring and inspection*

The petitioners also ask for the use of restraint and seclusion to be monitored. Currently, the use of restraint in residential care is monitored by individual establishments and an annual return made to the Care Inspectorate (S4W-09371). There is no similar national monitoring for non-residential schools.

Schools are inspected by Education Scotland. Only where a school provides residential accommodation will it also be inspected by the Care Inspectorate.

In inspections of mainstream and special schools, whether residential or day special, HM Inspectors consider the quality of relationships and management of behaviour in schools and units. Some schools, particularly some special schools, use a commercial package that may be accredited through the British Institute of Learning Disabilities (BILD) with a common

approach to effectively managing behaviour and crisis intervention. HMI may refer schools to the guidance on Holding Safely as helpful advice.

Education Scotland's Rights, Support and Wellbeing team support local authorities to review, develop, plan and implement policy frameworks on positive relationships and behaviour, linked to related policies and frameworks through strategic, integrated planning mechanisms.

### **Scottish Government Action**

As stated above, the Scottish Government provides national guidance on Child Protection, guidance on the use of restraint in residential settings (which is applicable in schools and other establishments) and additionally, a statutory Code of Practice on additional support needs. The [Doran review](#) (2012) considered learning provision for children with complex additional support needs but did not include consideration of the use of physical restraint.

The [Scottish Advisory Group on Relationships and Behaviour in Schools](#) (SAGRABIS) is chaired by the Scottish Government and COSLA. In March 2013 the Scottish Government issued all schools with a copy of *better relationships, better learning, better behaviour* which identifies priority actions to further improve relationships and behaviour in schools.

### **Scottish Parliament Action**

There have been parliamentary questions on the use of restraint in residential care, although these date from 2011 and 2012 (S4W-09371, S4W-09372, S4W-09374 from Neil Bibby). The issue of the use of restraint in non-residential special schools does not appear to have arisen as a matter of debate.

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