

## Physical Intervention and Seclusion working group

### Draft Terms of reference

January 2020

#### Background

The Children and Young People's Commissioner Scotland's (CYPCS) first investigation was on 'physical restraint and seclusion' in schools. 'No Safe Place' was published in December 2018, and listed a number of recommendations, a number of which were applicable to the Scottish Government. The CYPCS executive summary is attached at Annex A

Following a number of meetings and correspondence between DFM and CYPCS/EHRC during 2019, it was agreed that the Scottish Government would implement the following asks:

1. The development of a piece of human rights based guidance to minimise the use of restraint and seclusion, as part of a suite which ensures the appropriate links with IEI2 and with other policy areas including ASN, Trauma-informed Practice, Child Protection and Safeguarding, Positive Relationships and Nurture.
2. The involvement of children, young people and their families, as well as other key stakeholders, in the development of this guidance
3. The involvement of children, young people and their families, as well as other key stakeholders in the one year review of the policy.
4. A commitment to consider the restraint and seclusion data collected by local authorities as part of the one year review, and to publish this alongside the other evidence collected by the Government, to inform its assessment of the success of its preferred voluntary approach. At the same time, to reconsider the benefits of collection and analysis of local data at a national level on an ongoing basis.
5. A commitment, should that review not clearly demonstrate improvement against an agreed set of indicators, to take action to place the guidance on a statutory basis, and to include specific requirements to record incidents of restraint and seclusion.

#### Objectives

The group will:

- consider and take action on the 5 asks as listed above;
- collectively contribute to and develop new, robust, rights based guidance;
- collate and share examples of best practice within local authorities which can be considered by the working group;
- consider the current approach taken by local authorities on recording and monitoring incidents, and make recommendations to take forward, which will include the introduction of a standard dataset that will ensure robust information is collected at a local authority level to support improved policy and practice
- a review one year from the publication of the new guidance to assess its effectiveness

## Scope

The working group will develop new guidance on physical intervention and seclusion, that will sit within a suite of documents in the 'Included, Engaged and Involved' series that places at its core positive relationships and behaviour, early intervention, de-escalation techniques and minimisation of the use of physical intervention and seclusion.

It is expected the new guidance will be published in early 2021.

## Chair

The group will be chaired by Caroline Amos as the ADES representative on SAGRABIS.

## Membership

Membership of the group will comprise of key stakeholders and Local Authorities. The following individuals will share views that are representative of their respective organisations:

- Bailey-Lee Robb Scottish Youth Parliament
- Ben Higgins BILD
- Bernadette Cairns Highland Council
- Beth Morrison PABSS
- Brodie Patterson CALM
- Caroline Amos ADES
- Colin McKay Mental Welfare Commission
- Diana Brown UNISON member
- Fiona Robertson Angus Council
- Fiona Turner Glasgow ACE's Hub
- Gillean McCluskey University of Edinburgh
- Gordon Wardrope Fife Council
- Iain Mitchell Scottish Government
- Jacqui Gallagher Stirling Council
- Jan Savage Enable Scotland
- Janys Scott QC
- Jennifer Knussen Fife Council
- Jim Brown School Leaders Scotland
- Kate Sanger PABSS
- Laura-Ann Currie Education Scotland
- Linda O'Neill CELSIS
- Louise McHugh SOLAR
- Maggie Fallon Scottish Government
- May Dunsmuir Glasgow Tribunals Centre
- Melanie Lowe Scottish Government
- Neil Govan South Lanarkshire Council
- Maria Galli Children and Young Peoples Commissioner  
Scotland
- Nicola Dickie COSLA
- Ruth Miller ASPEP
- Sonia Kordiak EIS
- Susan Forbes AHDS
- Sylvia Haughney UNISON
- Tara Lillis NASUWT
- Tony Rafferty NPFS

## **Meeting frequency**

1<sup>st</sup> meeting 20 January 2020. Frequency to be agreed at first meeting