

PE1548/Y

Petitioner Letter of 10 October 2016

First of all, a very warm welcome to all the new members. I'd like to begin by giving the new committee a summary of what we have achieved so far with the previous committees help.

I am extremely grateful to the committee and previous staff for their support, we have all worked very hard, but I believe there is still work to do to make sure we get it right for every child with a disability in Scotland.

Our petition and subsequent campaign has gained momentum over the last 18 months and is supported by every children's and disability charity in the country. It has also been personally endorsed by Dame Esther Rantzen. Scotland's Children's Commissioner Tam Baillie has also been extremely supportive (letters are in the petitions correspondence files)

1. We came to the petitions committee with a problem, but we also had a solution. We wanted National Guidance to stop the Ad-Hoc council policies focusing on reactive restrictive practises like restraint and seclusion rather than pro-active Positive Behaviour Support strategies. We have offered the services of key experts to help write these new guidelines to the Scottish Government.
2. We had also identified a serious gap in the school inspection process where only "education" was inspected in schools caring for children with disabilities. No one inspected the "care" given to children who required it during school hours. From August 2016, the inspection process was changed to close this gap but this is only in special schools. There are many mainstream schools caring for children with very high care needs e.g. tube feeding/intimate care/medical conditions. We need this to be addressed to include ALL schools caring for our most vulnerable children.
3. There is no independent scrutiny of additional support needs assistants/carers in local authority schools. Teachers are regulated by the GTCS. Apart from an enhanced disclosure check at the time of employment (PVG) those working with our most vulnerable children in local authority day schools have no independent regulatory oversight. We need to make sure this is changed.
4. Key Issues in our petition were included in an NGO report to the UNCRC last year. In the 72nd session of the UNCRC summit in May 2016, the UNCRC made a series of recommendations

1. ABOLISH all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and BAN the use of any technique designed to inflict pain on children;

2. Ensure that restraint is used against children exclusively to prevent harm to the child or others and ONLY as a last resort;

3. Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.

4. ABOLISH the use of isolation rooms;

5. Make children's rights in education mandatory.

6. Ensure that corporal punishment is explicitly PROHIBITED in all schools and educational institutions and all other institutions and forms of alternative care AND Strengthen its efforts to promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to ELIMINATING the general acceptance of the use of corporal punishment in child-rearing

We are delighted that the UNCRC have acted and made the recommendations above, and we would urge the Scottish Government to implement these recommendations in their entirety as soon as possible.

On 22nd September, I had a meeting with Mr John Swinney Deputy First Minister and Education Secretary. With me was Kate Sanger from The Challenging Behaviour Foundation, as well as Sarah Leitch Positive Behaviour Support (PBS) Development Manager from the British Institute of Learning Disabilities (BILD) and Ben Higgins CEO of BILD. We are awaiting feedback from this meeting, but we did feel the meeting was positive and will let you know what happens in due course.

I wondered if it would be possible to come back to Holyrood. I think it would help to speak to the new committee members in person with some key experts so that they can understand why this campaign is so important. It would also perhaps give them a chance to ask any questions they may have so that we can work out how best to take things forward.

Jackson Carlaw MSP said earlier this year that he felt this was now a policy issue. We agree. We have a chance to lead the way and make real changes for children with disabilities. It is important to note that because of the campaign and the work we've all done so far, the UNCRC recommendations were not just for Scotland, they were for ALL FOUR of the United Kingdom's Governments/Assemblies. I think we should all be extremely proud of this and take this opportunity to show the rest of the UK that we in Scotland take the UNCRC's recommendations very seriously.

In May this year, I was honoured to be given the British Institute of Learning Disabilities Outstanding Achievement Award for "Protecting Scotland's most vulnerable children in schools". At the award ceremony, I was invited to attend a meeting in Wales with representatives from The Welsh Government and Mid-Wales NHS about my campaign. I attended the meeting in Wales last month and it was agreed that they would ask The Welsh Children's Commissioner Sarah Holland to contact Scotland's Children's Commissioner Tam Baillie in the hope they can work together.

I would like to thank the petitions committee for all their help and hard work so far. I hope you will agree that there is still more we can do.

Yours Sincerely

Beth Morrison

Petitioner PE01548.