

PE1548/RR

Petitioner submission of 29 August 2019

As you are all aware, this petition has been with you for some years now. We have all worked extremely hard to raise awareness and work with the Scottish Government at every opportunity, and I continue to be very grateful to each and every member of the committee for all their support throughout this time.

In April 2017, the petitions committee heard from the Deputy First Minister who said that the Scottish Government were issuing new guidance within IEI2. Mr Swinney said that if we came back in a couple of years' time to find that we haven't made the progress that we wanted to see then the government would have to consider taking things further.

Since then, Scotland's Children's Commissioner Bruce Adamson launched a formal investigation into the use of restraint and seclusion in schools and as a result, published "No Safe Place" which I am sure you will all agree was very hard hitting.

At the same time, I started to formally collect evidence from the hundreds of families from all 32 local authorities in Scotland. These families contacted me for help and support when their children were subjected to the use of restraint & seclusion in school and I now have the data behind these stories.

I would argue that the families' evidence is compelling. Terrible things are happening to children all over Scotland in our schools and no one seems to want to tackle this human rights scandal legally. Parents have to use civil law to attempt to uphold their children's human rights to be free from cruel and inhumane treatment which, due to the cost, is just not available to all of them.

I understand that the Scottish Government have instituted a "refresh" of IEI2 which would include the use of physical intervention and seclusion.

I have also been invited on to a short life working group by the Scottish Government on the use of Physical Intervention.

However, I have major concerns about this. I have always been very clear. The children I represent are the most vulnerable in Scotland. They use behaviour to communicate distress because behaviour is all they have. All have limited communication skills, and many are completely non-verbal. ALL have disabilities, and very complex needs at that.

On the short life working group, there are many representatives from Education, COSLA and local councils but there is no representation from experts in learning disabilities, no input from the Mental Welfare Commission, no one from the Equality and Human Rights Commission and no one from the ASN Tribunal service. Yet again, as I said back in 2015 and have continued to say since, the right people with the right skills and the right understanding are not being consulted here.

I also disagree with the Scottish Government that IEI2 is the right place to have any guidance on this issue. I understand that SAGRABIS are doing everything they can

in promoting “Better Relationships” and this is what the Scottish Government seems to want to promote. “Better Relationships” is fine for neurotypical children. However, a “relationship” involves 2 people. We cannot have a relationship when there is an imbalance of power because one person does not understand how the other one communicates. All of the children I represent have severe communication difficulties and complex needs so those relationships will be fractured from the very beginning.

In the 2 years since IEI2 was published in June 2017, I have collected 432 cases involving children in Scotland from ALL 32 local authorities. I personally go to schools supporting parents in meetings and the staff have no idea what IEI2 is. They do not even know that it exists. If they DO know, they say, “oh it’s only guidance, we don’t HAVE to follow this!”

I do not believe that a “refresh” of IEI2 is the best way forward.

I now firmly believe that we have no choice but to call for a robust legal framework that is **statutory**. Guidance within IEI2 is just not good enough. If its not statutory, the fact is, it will not be followed, and these heart-breaking cases will keep coming as children continue to be hurt. How much longer do these children need to wait before this barbaric treatment is stopped?

I wonder if I could make a request of the committee. I would like to come back to the petitions committee along with Nick Hobbs from the children’s commissioner’s office so we can talk to the committee again and I could share the evidence from the families with you. We have a duty to the children of Scotland to get it right this time and not be persuaded to accept yet another toothless publication of “guidance” that will not be upheld, and these small disabled children will continue to be hurt and the cases will keep coming.