
Report To:	Education and Communities Committee	Date:	12 March 2019
Report By:	Corporate Director Education, Communities and Organisational Development	Report No:	EDUCOM/28/19/GM
Contact Officer:	Grant McGovern	Contact No:	01475 712828
Subject:	Inverclyde's Response to the Children's Commissioner's Report "No Safe Place" 2018.		

1.0 PURPOSE

- 1.1 The purpose of this report is to update the Committee on the recent response to the Children's Commissioner on the recommendation contained within the recent report "No Safe Space" published in November 2018.

2.0 SUMMARY

- 2.1 The national guidance to local authorities on the exclusions from schools, "**Included, Engaged and Involved Part 2: a positive approach to managing school exclusions**" (IEI2), was published in March 2011. The Scottish Government revised IEI2 with an emphasis on prevention, early intervention and response to individual need in line with the principles of Getting it Right For Every Child (GIRFEC).

The most significant change to the revised guidance in IEI2 2017 from the original 2011 version was the inclusion of guidance on "Restraint and Seclusion" in educational establishments. This replaced the previous guidance on "Physical Intervention".

- 2.2 Following the publication of the update on IEI2 in 2018, the Children's Commissioner wrote to all local authority Chief Executives in March 2018 to notify them that under section 7 of the Commissioner for Children and Young People (Scotland) Act 2003 ("the 2003 Act") the Commissioner was conducting an investigation into "Restraint and Seclusion in Schools."

That decision was based on consideration of the rights issues at stake and the implications of those rights being breached, the vulnerability of the children and young people involved.

The requested evidence and information was submitted by 1 May 2018.

- 2.3 Subsequently, the Children's Commissioner published "No Safe Place" in November 2018 as a response to the publication of IEI2 – an Executive Summary of the Report is attached as Appendix 1.

The report contained 22 recommendations (see page 43) and informed local authorities that the Commissioner required local authorities to respond in writing setting out:

- what [they] have done or propose to do in response to the recommendations; or,
- if [they] do not intend to do anything in response to the recommendations, the reasons for that.

A formal request to local authorities for a response to these two questions was sent to Chief Executives on 14 December 2018. Subsequently, the Head of Inclusive Education, Culture and

Communities convened a short-life working group to consider the recommendations and to draft Inverclyde's response. That response is attached as Appendix 2 to this report.

- 2.4 Inverclyde Council's policy on dealing with exclusions from school is contained within the overarching "Positive Relationship, Positive Behaviour" (PRPB) Policy which was first launched in session 2013-14.

Inverclyde's PRPB Steering Group review and update the PRPB policy on a three year cycle. This was completed in March 2018. Subsequent to the publication of IEI2 the PRPB policy was again amended in May 2018 to take account of the changes to the national guidelines.

3.0 RECOMMENDATIONS

- 3.1 The Committee is asked to note Inverclyde Council's response to the 22 recommendations contained within the Children's Commissioner's Report "No Safe Place", 2018.

Ruth Binks
Corporate Director
Education, Communities and Organisational Development

4.0 BACKGROUND

- 4.1 The national guidance to local authorities on the exclusions from schools, “**Included, Engaged and Involved Part 2: a positive approach to managing school exclusions**” (IEI2), was published in March 2011. The “No Safe Place” Report (2018) by the Children’s Commissioner states that over the intervening years, “...concerns about restraint and seclusion in schools [had] been raised with the Scottish Government by the UN, by civil society and by parents and carers of children with disabilities and/or Additional Support Needs”. The Scottish Government’s response to those concerns was to revise IEI2 and to emphasise a refreshed focus on prevention, early intervention and response to individual need in line with the principles of Getting it Right For Every Child (GIRFEC).

The introduction to the revised version of IEI2 stated that there was “recognition of the need for all members of a learning community to be safe and feel protected.” In that context the most significant change to the revised guidance in IEI2 2017 from the original 2011 version was the emphasis on “Restraint and Seclusion” in educational establishments. This replaced previous guidance on “Physical Intervention”.

The updated guidance sets a clear expectation by the Scottish Government that:

- Every education authority should have a policy on physical intervention;
- Policies should include a mechanism/process for decisions on physical intervention to be made and recorded;
- All decisions to physically intervene should be recorded in line with the relevant policy. In every case, the record should demonstrate how children’s rights have been taken into account in reaching the decision to physically intervene.

A copy of Included, Engaged and Involved Part 2 is available at:

<https://www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/>

- 4.2 Following the publication of the update on IEI2 in 2018, the Children’s Commissioner wrote to all local authority Chief Executives in March 2018 to notify them that under section 7 of the Commissioner for Children and Young People (Scotland) Act 2003 (“the 2003 Act”) the Commissioner was conducting an investigation into “Restraint and Seclusion in Schools.”

The Commissioner states that the decision to undertake this investigation was based on consideration of the rights issues at stake and the implications of those rights being breached, the vulnerability of the children and young people involved.

The evidence and documentation requested from local authorities as part of that investigation included:

- an electronic copy of your policy on physical intervention in schools (covering restraint and seclusion).
- an electronic copy of your policy on recording such interventions (if separate).
- an electronic copy of any standard incident reporting form used in your authority.

All of the documentation requested and an online questionnaire were completed and returned by 1 May 2018.

- 4.3 Subsequently, the Children’s Commissioner published “No Safe Place” in November 2018 as a response to the publication of IEI2 – an Executive Summary of the Report is attached as Appendix 1. A copy of the full report is available at:

<https://www.cypcs.org.uk/ufiles/No-Safe-Place.pdf>

As stated previously, the Children’s Commissioner regarded this investigation as a “rights issue” and, given that it was the Scottish Government’s commitment to embed these rights into policy

and practice in schools, it was the Commissioner's view that:

"It was not evident that the Scottish Government has succeeded in fulfilling its responsibilities in relation to restraint and seclusion in schools under the UNCRC or UNCRPD, particularly in relation to the Concluding Observations from the UN Committee on the Rights of the Child."

It is stated in the introduction to the report that the purpose of Commissioner's investigation was to discover whether and to what extent Scotland is meeting its obligations towards children, and whether local authorities are complying with the published national guidance. In simple terms:

"... are the rights, views and interests of children and young people reflected in the policies and guidance that govern the use, recording and monitoring of restraint and seclusion in schools?"

The report contained 22 recommendations (see page 43) and informed local authorities that Under Section 11 of the 2003 Act, the Commissioner required those organisations who are the subject of recommendations to respond in writing setting out:

- what you have done or propose to do in response to the recommendations; or,
- if you do not intend to do anything in response to the recommendations, the reasons for that.

A formal request to local authorities for a response to these two questions was sent to Chief Executives on 14 December 2018. Subsequently, the Head of Inclusive Education, Culture and Communities convened a short-life working group to consider the recommendations and to draft Inverclyde's response. That response is attached as Appendix 2 to this report.

- 4.4 Both IEI2 and No Safe Place emphasise the need for learning establishments to place a greater importance on inclusion through effective learning and teaching; promoting positive relationships and behaviour; and employment of preventative approaches which reduce the need to consider exclusion.

Inverclyde Council's policy on dealing with exclusions from school is contained within the overarching "Positive Relationship, Positive Behaviour" (PRPB) Policy which was first launched in session 2013-14. This document gives establishments a shared view of policy and best practice in promoting positive relationships and behaviour. It includes examples of existing good practice in the authority to demonstrate how the policy might be put into practice. The policy states:

The development of a positive learning environment is essential if effective learning and teaching are to take place within an educational establishment. Effective learning and teaching are also dependent on the nurturing of positive relationships through the daily interactions between staff and learners and between learners themselves.

Inverclyde's PRPB Steering Group reviews and updates the PRPB policy on a three year cycle. Following appropriate review and consultation, this was completed in March 2018. Subsequent to the publication of IEI2, the PRPB policy was again amended in May 2018 to take account of the changes to the guidelines. That review subsumed Inverclyde's then existing policy on Physical Intervention into the PRPB policy to ensure that it was compliant with national advice.

It should be noted that the emphasis throughout Inverclyde's PRPB Policy has always been on building and maintaining positive relationships at all levels and, when required, the effective and detailed planning necessary to minimise the likelihood of difficult and challenging situations escalating. In the few occasions where some form of intervention may be required, the focus is entirely on the use de-escalation strategies with any level of physical intervention being absolutely the last resort.

5.0 IMPLICATIONS

5.1 Finance

One off Costs

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Annually Recurring Costs/(Savings)

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A	-	-	N/A		

5.2 Legal

None

5.3 Human Resources

None

5.4 Equalities

Has an Equality Impact Assessment been carried out?

<input checked="" type="checkbox"/>	YES (an equality impact assessment was carried out as part of the Community Facilities Savings Proposal)
<input type="checkbox"/>	NO - This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

5.5 Repopulation

None.

6.0 CONSULTATIONS

6.1 N/A.

7.0 BACKGROUND PAPERS

7.1 <https://www.cypcs.org.uk/ufiles/No-Safe-Place.pdf>

7.2 <https://www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/>

7.3 Inverclyde's Positive Relationships, Positive Behaviour Policy:



PRPB word 06 03 (2)
with Appendices.docx

Executive Summary



On 30 March 2018, the Children and Young People’s Commissioner Scotland began a formal investigation into ‘Restraint and Seclusion in Scotland’s Schools’. This issue was identified as a priority for the office’s first investigation based on careful consideration of the rights issues at stake, the implications of those rights being breached, the vulnerability of the children and young people involved, and the extent to which concerns have been raised through the office’s advice function.

We chose to focus the investigation on two main elements;

- The existence and adequacy of policies and guidance which reflect the law and the obligations of the State under international human rights instruments. These are an essential pre-requisite to accountability and redress.
- The extent to which incidents are recorded and reported at local authority level. Recording of incidents of restraint and seclusion is recognised internationally as a critical means of ensuring that practice is appropriately monitored and scrutinised, as well as fully rights-compliant.

Context

International human rights law states that children are entitled to higher standards of protection to take account of their vulnerability and the inherent imbalance of power between them and adults.

Children’s human rights are set out in a number of international instruments including the European Convention on Human Rights (ECHR), the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the United Nations Convention on the Rights of the Child (UNCRC).

They make clear that all children have the right to feel safe, just as they have rights to have decisions made in their best interests, to make their views known and have those views taken into account when decisions are made that affect them. Children should not be discriminated against. They have a right to education, to dignity, to bodily integrity, and to be protected from cruel, inhuman or degrading treatment. They have the right not to be deprived of their liberty.

The investigation

We required all 32 local authorities to provide us with copies of their policy documents and recording forms governing restraint and seclusion. They were also required to complete an online evidence gathering form.

Key Findings



Policies

Four out of thirty two local authorities had no policies or guidance in place to govern the safe and lawful use of restraint and seclusion.

Even where policies did exist, children and young people were rarely, if ever, directly involved in the development of these documents.

Children's rights are referenced in many policies but not given meaningful expression in terms of how they should impact on practice.

The Scottish Government has not produced a national policy to ensure consistent and lawful practice.

This means that in some local authorities, children may be subject to restraint and seclusion without any policy or guidance in place to support lawful and rights-compliant practice. Even where policies do exist, they create the potential for significant variations in practice across local authorities.

Recording

Only 18 local authorities record all incidents of restraint and seclusion within their area. Four local authorities do not record any incidents at all. Those that did record and report data, identified 2,674 incidents relating to 386 children across the school year 2017-18.

Children's views are not routinely recorded by most local authorities following an incident where restraint and/or seclusion is used.

Only 12 local authorities were able to provide full or partial data on the number of children with disabilities or other additional support needs who had been the subject of restraint or seclusion in the previous year.

Scottish Government does not record data on restraint and seclusion, despite calls from the United Nations for it to do so.

This means that we do not know with any degree of certainty how many incidents of restraint and seclusion take place in Scotland each year, which children are most affected, how frequently and how seriously. The Scottish Government has not provided clear direction to local authorities in order to ensure consistent policies and mechanisms for recording across the country.

Restraint

Restraint may be a violation of children's rights to respect for their bodily integrity under Article 8 of the ECHR.

Restraint is inconsistently defined across local authorities, with some referring to the *use of force*, while others define it more broadly.

Only 18 of the 32 local authorities state clearly that restraint should be used a last resort when the child or another person is at immediate risk of harm.

Some local authorities permit the use of restraint to prevent damage to property.

This means that practice is inconsistent and may risk breaching children's human rights.

Seclusion

Seclusion may constitute deprivation of liberty, which is a breach of children's rights under Article 5 of the ECHR.

Local authority guidance on seclusion generally does not reflect the legal tests to ensure compliance with the ECHR. This creates significant risks for local authorities and for children. For example, only one local authority recognised that deprivation of liberty is only lawful if authorised by a court or tribunal.

This means that staff are not provided with a clear explanation of when (if ever) seclusion might be lawful and when it might become deprivation of liberty. In the absence of clear policies and guidance that support lawful decision making, local authorities run the risk of significant breaches of the law and of children's rights.

List of Recommendations



1. Local authorities should, as a matter of urgency, ensure that no restraint or seclusion takes place in the absence of clear consistent policies and procedures at local authority level to govern its use.
2. The Scottish Government should publish a rights-based national policy and guidance on restraint and seclusion in schools. Children and young people should be involved at all stages of this process to inform its development. The policy and guidance should be accompanied by promotion and awareness raising.
3. Local authorities should record all incidents of restraint and seclusion in schools on a standardised national form. Anonymised statistical data should be reported to the Scottish Government's Children and Families Directorate.
4. The Scottish Government should analyse and publish this data as part of its official statistics.
5. Local authorities should ensure that all recording forms at school level include sections for de-escalation techniques considered and attempted, the child's and parents' and carers' views. They should be incorporated into the assessment and planning processes in place under Additional Support for Learning legislation and Staged Intervention processes, as well as the GIRFEC National Practice Model and SEEMiS data management system.
6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.
7. The Scottish Government should ensure that national policy and guidance is clearly set within a human rights framework, including specific reference to the relevant articles of the European Convention on Human Rights, the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities, and other relevant international human rights instruments.
8. The Scottish Government should ensure that the practical impact of respect for rights on practice is explained through the use of examples and case studies in national policy and guidance.
9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.
10. The Scottish Government should ensure that the national policy and guidance sets out clear criteria on the use of restraint and seclusion, linked to the rights framework to ensure that children's rights are not breached, using examples to help staff understand appropriate and lawful use of these techniques.
11. The Scottish Government should ensure that the national policy and guidance on the use of seclusion in schools draws a clear, well understood and well-communicated distinction between the use of a supervised, separate space as a planned response to a child's individual needs and placing a child in a room on their own where they are unable to indicate and receive an immediate response to discomfort or distress.

12. Local authorities should amend their policies where necessary to make clear that damage to property should only be a justification for the use of restraint or seclusion when it presents an immediate risk of harm to the child or another individual. The same principle should be reflected in national policy and guidance.
13. Scottish Government and local authorities should ensure that all policies, whether at national or local level, make clear that restraint and seclusion are measures of last resort.
14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.
15. Local authorities should ensure that all children considered to potentially require physical intervention have a plan agreed in advance with the child and their parent(s) and/ or carer(s).
16. Local authorities should ensure that the child's plan is reviewed on a regular basis, as well as following any incident of restraint or seclusion.
17. Local authorities should ensure that parents and carers are informed as soon as reasonably practicable in every instance when restraint or seclusion is used on their child and offered the chance to take part in a post-incident review.
18. Local authorities should ensure that the views of the child are sought, recorded and reflected in all planning, risk assessment and post-incident reviews.
19. Education Scotland and the Care Inspectorate should further scrutinise the use of restraint and seclusion in schools as part of their inspection regimes. The organisations should involve children and young people in developing ways of doing this that enable the voices of children with disabilities or Additional Support Needs to be heard.
20. Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.
21. Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.
22. This training should be rights based and in line with the Council of Europe recommendations set out in Recommendation 2004(10) and with the principles in the Common Core.

All those who are subject to recommendations will be required to respond to the Commissioner in writing by 31 January 2019.

For further information contact :

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**No Safe Place
Inverclyde Response to Recommendations**

	Recommendations	Inverclyde's response
1	Local authorities should, as a matter of urgency, ensure that no restraint or seclusion takes place in the absence of clear consistent policies and procedures at local authority level to govern its use.	<p>Inverclyde already has in place clear, consistent policy and procedures to govern the use of physical intervention/restraint and/or seclusion in our policy Positive Relations Positive Behaviour policy (PRPB policy).</p> <p>This policy will be annually revisited in all educational establishments e.g. alongside August in-service Child Protection PowerPoint, Fire Safety etc.</p> <p>We shall aim to ensure that there is a clear understanding within our educational establishments regarding what is meant by seclusion. It will be part of the induction process for all new staff in education services in Inverclyde</p>
2	The Scottish Government should publish a rights-based national policy and guidance on restraint and seclusion in schools. Children and young people should be involved at all stages of this process to inform its development. The policy and guidance should be accompanied by promotion and awareness raising.	<p>Inverclyde already has involved children and young people in the development of the PRPB policy. Within your report we note that Inverclyde was also highlighted positively for our direct involvement of children and young people in the policy development.</p> <p>We will update our PRPB policy to include statements regarding children and young people's views. We will also expect educational establishments to involve children and young people in raising awareness of the policy content</p>
3	Local authorities should record all incidents of restraint and seclusion in schools on a standardised national form. Anonymised statistical data should be reported to the Scottish Government's Children and Families Directorate.	<p>Inverclyde already records critical incidents. However we will amend our current critical incidents form to provide clarity regarding what specifically is a critical incident, what is to be recorded regarding de-escalation, incidents of restraint and seclusion.</p> <p>We will also provide specific training for new staff on the use of this reporting paperwork.</p>
4	The Scottish Government should analyse and publish this data as part of its official statistics.	<p>We agree that this may be useful data, however this could only be achieved after there are clear nationally agreed definitions, expectations and approaches.</p> <p>.</p>
5	Local authorities should ensure that all recording forms at school level include sections for de-escalation techniques considered and attempted, the child's and	<p>Inverclyde's policy and procedures already include information regarding de-escalation techniques attempted. We will amend the form to include the</p>

	Recommendations	Inverclyde's response
	<p>parents and carers views. They should be incorporated into the assessment and planning processes in place under Additional Support for Learning legislation and Staged Intervention processes, as well as the GIRFEC National Practice Model and SEEMiS data management system.</p>	<p>child, parent and carers views which would be gathered at an appropriate point.</p> <p>We will also consider within the recording/reporting form inclusion of information such as confirmation that de-escalation strategies are in place or that a Child's Planning (TAC) meeting will be held to formulate the approaches.</p> <p>We will aim to make the paperwork manageable for staff, children, parents and carers.</p>
6	<p>In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.</p>	<p>Inverclyde will review its current its PRPB policy on recording, reporting and collation of critical incident to better identify the use of: De-escalation; Restraint; and Seclusion.</p> <p>This will include guidance on the inclusion of appropriate narrative to distinguish between levels of physical intervention and restraint.</p>
7	<p>The Scottish Government should ensure that national policy and guidance is clearly set within a human rights framework, including specific reference to the relevant articles of the European Convention on Human Rights, the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities, and other relevant international human rights instruments.</p>	<p>Agreed</p>
8	<p>The Scottish Government should ensure that the practical impact of respect for rights on practice is explained through the use of examples and case studies in national policy and guidance.</p>	<p>Exemplification is generally a good idea. In this context there may, however, be some difficulties as no two situations are alike.</p> <p>Moderation of practice could create shared understanding of definitions used and our responses to situations.</p>
9	<p>The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.</p>	<p>This may be beneficial as the current policy Included, Engaged and Involved (Part 2 – June 2017) (IEI2) is partly referenced against the UNCRC (P28) when reference about seclusion.</p> <p>The current national guidance, derived from IEI2 (P26-28) talks about <i>physical intervention</i>, rather than restraint. It would be helpful for national documentation to use a common form of language usage that is rights based.</p>

	Recommendations	Inverclyde's response
10	The Scottish Government should ensure that the national policy and guidance sets out clear criteria on the use of restraint and seclusion, linked to the rights framework to ensure that children's rights are not breached, using examples to help staff understand appropriate and lawful use of these techniques.	IEI2 sets out criteria for the use of Physical Intervention and Seclusion (IEI2 P26-28). Again this is only partly cross referenced against the UNCRC. To boost this area would be advantageous. As already stated there would need to be care taken around exemplification as no two situations are completely alike. Local moderation of practice could be a positive step forward.
11	The Scottish Government should ensure that the national policy and guidance on the use of seclusion in schools draws a clear, well understood and well-communicated distinction between the use of a supervised, separate space as a planned response to a child's individual needs and placing a child in a room on their own where they are unable to indicate and receive an immediate response to discomfort or distress.	IEI2 (P27) sets out clear expectations around seclusion. These provide a solid basis for policy and practice.
12	Local authorities should amend their policies where necessary to make clear that damage to property should only be a justification for the use of restraint or seclusion when it presents an immediate risk of harm to the child or another individual. The same principle should be reflected in national policy and guidance.	Inverclyde's policy does not require to be amended regarding damage to property as this is not considered within the policy as a justification for physical intervention / restraint. Our policy is clear that it is " <i>only acceptable to physically intervene where a member of staff reasonably believes that if they do not physically intervene the child or young person's actions are likely to cause physical damage or harm to that pupil or to another person</i> "
13	Scottish Government and local authorities should ensure that all policies, whether at national or local level, make clear that restraint and seclusion are measures of last resort."	Inverclyde's policy already makes clear that physical intervention/restraint and/ or seclusion are last resort measures. It is seen as an agreed plan managed under supervision, taking account of the additional support needs of the child or young person, is recorded and time limited.
14	Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.	Inverclyde's policy already includes detailed de-escalation strategies and recommendation regarding risk assessment.
15	Local authorities should ensure that all children considered to potentially require physical intervention have a plan agreed in advance with the child and their parent(s) and/ or carer(s).	Inverclyde's policy already includes the requirement that a detailed plan for physical intervention is agreed in advance unless in exceptional circumstances where the child or young person is endangering their or others safety. All plans are agreed with their parents or carers On occasions that are considered as

	Recommendations	Inverclyde's response
		<p>exceptional circumstances, e.g. where a pupil has never demonstrated the potential for aggression or violence to others it is important that staff professional judgement can be trusted. This requires to be underpinned by clear, concise policy and guidance at establishment level.</p> <p>This is part of our current policy and seen as good practice across Inverclyde.</p>
16	Local authorities should ensure that the child's plan is reviewed on a regular basis, as well as following any incident of restraint or seclusion.	Inverclyde's policy currently sets out the expectation regarding reviews of child's plans. This requires multi-agency TAC partnership approach to the delivery of our GIRFEC model. This, again, is part of ongoing good practice across Inverclyde.
17	Local authorities should ensure that parents and carers are informed as soon as reasonably practicable in every instance when restraint or seclusion is used on their child and offered the chance to take part in a post-incident review.	Parents/carers are informed of every instance of restraint and, if considered appropriate, physical intervention, or seclusion. They are a standard part of the process of reviewing the incident and planning next steps.
18	Local authorities should ensure that the views of the child are sought, recorded and reflected in all planning, risk assessment and post-incident reviews.	<p>Taking the child or young person's view in relation to planning is viewed as significant and impactful. However, gaining the child or young person's view on Risk Assessment and planning for the potential of physical intervention could be extremely sensitive and, indeed, be counter-productive. This would require multi-agency agreement on the young person's capacity to be involved.</p> <p>Inverclyde's Restorative Practices approach provides an opportunity to reflect through restorative conversations and next steps are recorded and put in place. This is recorded in the SEEMIS Pastoral Notes module.</p> <p>Pupil views are currently sought in terms of the Wellbeing Application and review.</p> <p>Inverclyde's Critical Incident Reporting procedures and pro-forma will be reviewed to take account of this recommendation.</p>
19	Education Scotland and the Care inspectorate should further scrutinise the use of restraint and seclusion in schools as part of their inspection regimes. The organisations should involve children and young people in developing ways of doing this that enable the voices of children with disabilities or Additional Support Needs to be	Education Scotland's Inspection process already has in place opportunities for professional dialogue with senior managers to gain this information through safeguarding and scrutiny of important policies including PRPB. There are also opportunities for any parent or carer to discuss concerns with

	Recommendations	Inverclyde's response
	heard.	<p>HMIe during the inspection process.</p> <p>Inverclyde' annual Clyde Conversation youth conference is a recognised conduit for participation for all young people across the Authority to have their voice heard and to be included in policy development. There is a specific focus on the voices of representation from those identified as most vulnerable in our communities, e.g. ASN, Disabled, LGBTQI+.</p> <p>This has been identified as sector leading practice in Inverclyde's recent Children Services inspection by the care Commission.</p> <p>In terms of equity it would be expected that establishments would routinely gather the full spectrum of views of children and young people as part of their self-evaluation and improvement planning cycle.</p>
20	Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.	<p>In circumstances where there are more likely to be instances requiring physical intervention and/or seclusion practices required staff will have been trained. However in situations where a young person is endangering their or others safety staff in these circumstances there is not the expectation that they would have been trained.</p> <p>As stated previously, it is essential that in those exceptional circumstances intervention is underpinned by clear and coherent policy in each establishment.</p> <p>Following publication of IE&I2 an addendum was included in Inverclyde's PRPB Policy clarifying the need, purpose and parameters for physical intervention and seclusion.</p> <p>Given the emphasis that intervention needs to be proportionate and needs led it is not necessary for physical intervention to be carried out only by trained staff.</p> <p>This again re-emphasises the need to clarity in the differentiation between levels of physical intervention and restraint.</p>
21	Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.	Inverclyde facilitates the provision of PPB training which include de-escalation as well as physical intervention to only those staff in establishments where there is

	Recommendations	Inverclyde's response
		<p>considered to be higher level of need for this type of response. The training is thus provided proportionate to the assessed need of each individual establishment.</p> <p>There is sufficient flexibility in this process to take account of changing circumstances for both individual children and young people and establishments.</p>
22	<p>This training should be rights based and in line with the Council of Europe recommendations set out in Recommendation 2004(10) and with the principles in the Common Core.</p>	<p>Agree</p> <p>The philosophy and rationale underpinning PPB (Promoting Positive Behaviour – see: Clyde Valley Learning and Development Committee) is based around safeguarding and protecting young people and their rights with explicit reference to rights mentioned in that of Article 37 (No child should suffer cruel or degrading punishment).</p>