

Proposed Restraint and Seclusion (Prevention in Schools) (Scotland) Bill

Response from AISee Collaborative on behalf of the Six Drop in Advocacy Cafés

About AISee Collaborative

A genuine collaborative approach to co-production across Advocacy, Identification, Solutionising, Empowering and Energising, via a sound Taxonomy of Approach and Learning.

Operating in partnership incorporating CIHA, CPERG, IRL, DiAC for PCP, intertwined across our Four Key Strands.

Four Key Strands

- Bespoke Innovative and Projects (incorporating engagement and facilitation)
- Research and Inclusive Reflective Learning Projects (incorporating engagement and facilitation)
- Collaboratively Create and Deliver Independent Accredited Skill Enhancement Training Workshops and Short Courses relevant to Autism, ADHD, and Neurodiversity
- DiAC – Drop in Advocacy Cafés

DiAC's delivering impactful success by empowering and energising individuals, families, and professionals to work better together in support and solutions.

AISee Collaborative currently works in partnership across Scotland to deliver six Drop in Advocacy Cafés . The community decide the frequency and choose the topic for each session, the majority of which are (have been?) associated to education, social care, welfare, wellbeing and policy and practice insights.

Introduction

The collective would like to point out that this consultation was not widely know about and only picked up by one of the families via a social media post, tiggering their request to bring families together.

AISee Collaborative welcomes the the opportunity in partnership with the 57 family representatives from the six DiACs to comment on the proposed legislation to address the inappropriate practice of restraint and seclusion within Scotland's schools. A practice which disporportionately affects and impacts on autistic, learning disabled and adhd individuals

with knock on to their families, as well as many professionals who work with them to support them. It is our belief that going forward this would have a positive impact on society and we are mindful of a human right based approach, drawing our commitment to the [UNCRC United Nations Convention of The Rights of the Child](#), and the evidence from 2018 joint investigation '[No Safe Place](#)' by the [Children and Young Peoples Commissioners Office Scotland](#) and their partners. This is a collaborative agreed response. As a collective we would like to thank Dr. Thom Kirkwood, AISEE Collaborative for bringing us together at short notice and facilitating the discussion at our request.

Aims and Approach

Question 1: Which of the following best expresses your views of the proposed Bill? Please explain the reasons for your response.

49 out of the 57 are Fully Supportive. The other 8 felt they didn't have sufficient time for them to fully process but they are supportive in principle.

The majority are in favour and supportive of proposed legislations to address reduce and ultimately end the inappropriate practice of restraint and seclusion within Scotland's schools. We believe the legislation if it becomes law will require the following supportive commitment providing proper funding, UNCRC compliance improved recording, addressing gaps as identified in the 2018 investigation. Enhanced training, improved communication between schools and families, and inclusion of a reflective learning process that enables improved positive support interventions aiming at reduction and prevention of escalation that leads to the need for restraint and seclusion in the first place. Improvements also to an accessible, understandable transparent complaints procedure.

We know as families, the impact and trauma restraint and seclusion has on our children and young people. We acknowledge and are pleased there has been in recent years a number of reports for example [No Safe Place](#) as previously mentioned, and [Reducing Restrictive Intervention of Children and Young People](#) highlighting the negative impact such practices, especially given its use to low level incidents.

Question 2: Do you think legislation is required, or are there other ways in which the proposed Bill aims could be achieved equally effectively? Please explain your reasons for your response.

We welcome this proposed legislation and hope that it will become law. However we equally believe that much of the restraints could be avoidable by better improved staff training and understanding and improved partnership working with families by sharing learning and knowledge of 'positive support' what works in one place can be transferred to another and by more consistent actions of support when creating and delivering a positive child's plan by linking the [UNCRC Articles](#) directly to the Wellbeing objectives associated within [GIRFEC. Getting it Right for Every Child](#). An aspirational policy perhaps impossible to deliver.

We equally believe that aspects of Social Work Act and Childrens Acts need to be changed to mandated duties not discretionary to fully align this proposed legislation and to enable the different piece of legislation to work in harmony.

Question 3: What is your view on the proposal and that guidance on restraint and seclusion should be statutory? Please explain your reasons for a response, including setting out what you consider any statutory guidance should cover and how it should be enforced.

We are unanimous in our belief that statutory guidance should have proper footing accountable beyond the child and young person to the parents/carers or legal guardians including looked after children and young people.

As families we know all too well the issues and challenges restraint and seclusion have on our children and young people. Where behaviour is all too quickly perceived as bad, as oppose to considerations of cause being sensory, or communication and processing issues. We would recommend upskilling staff to adopt for example the [Low Arousal Approach](#), [Studio 3 - Professor Andrew McDonell](#), [The Autism Discussion Page - Bill Nason](#) or [Beyond Behaviours - Mona Delahooke](#).

We must be careful when enforcing, if we go too heavy handed we will not see the actions and implementations required to ensure change.

Such guidance must have at its core the fundamental right in practice of UNCRC Article 12, with access to advocacy, communication tools and support as and when required with the with the absolute goal of doing no harm.

Transparent accountability matters. Recording of incidents should be incorporated into an effective child or young persons plan, as this will evidence nature and cause and actions and reflective learning to avoid reduce eliminate the practice of restraint and seclusion. It will also provide the opportunity to share knowledge and solutions of what works and doesn't work, as well inform parents, carers, legal guardians. Equally this can bring about an action and process of review and measure what works what improves and evidence progress.

This could be monitored via routine inspection by Education Scotland and the Care Inspectorate.

Ultimately failure must result in prompt disciplinary action with the ultimate sanction of p45 and or prosecution and striking off a professional register.

We must not however be using recorded evidence to penalise a child or young person.

Question 4: *What is your view on the proposal that incidents should be recorded by schools and reported as standard to a body responsible for monitoring incidents? Please explain the reasons for your response, including which existing body you consider would be best placed to perform the monitoring role and how the monitoring role would work in practice.*

Fully Supportive *(But no need for a new body)*

Some of the families stated their belief that not every incident of restraint or seclusion associated to their child or young person is recorded. Indeed this evidenced in The 2018 CYPC report highlighted severe shortcomings.

We do believe there is a requirement for a new separate body to monitor those incidents. We would rather see the costs associated to such development put into staff training and inspector training. If as we have indicated on the previous questions if incorporated and recorded as suggested this could be monitored routine and inclusively by Education Scotland and/or Care Inspectorate. Improving transparency and accountability.

Question 5: *What is your view of the proposal for parents, carers and guardians to be provided with details of every incident to allow concerns to be escalated wherever necessary? Please explain the reasons for your response including what information parents, carers and guardians should be entitled to.*

Fully Supportive

Parents and Carers play a significant role in disseminating knowledge and understanding of their child or young person and in advocating for them. This happens best when there is apposite collaborative inclusive partnership between child, young person, parent carers and the professionals working them.

More so when there is positive child's young person plan by aligning the [UNCRC Articles](#) directly to the Wellbeing objectives associated within [GIRFEC. Getting it Right for Every Child](#).

However good advocacy can only happen with knowledge education and training. If that knowledge is not there then how would a parent carer know if a child or young person's rights have been breached.

Question 6: *What is your view of the proposal to require data on restraint and seclusion to be published? Please explain the reasons for your response including details of what data should be collated, who should be responsible for publishing it and how regularly.*

Fully Supportive

We care fully supportive of the publication of data, providing it does not disclose without consent the identify of child or young person or their family, as it will allow for transparent scrutiny and support the delivery of accountability.

We believe the data should be centrally published to enable a Scotland wide overview whilst at the same granulating the data into authority by authority area and published every three months to support scrutiny and transparency.

We equally believe such data must not simply be raw data, it should include incident descriptions actions and solutions inclusive of reflective learning to disseminate knowledge and improve practice.

Question 7: What is your view of the proposal to require all teachers and teaching assistants to complete mandatory training on restraint and seclusion? Please explain the reasons for your response including details of what training should involve and how it could be delivered in practice.

Fully Supportive

This mandatory training offering should have children and young peoples rights at it core. Be inclusive of de-escalation and positive supportive inclusive communication and reflective learning to help shape, support, implement and deliver positive improved practice.

The same training should be available to parents carers and other staff for example out of school/afterschool care groups, children's groups and youth groups.

Delivering this training more widely will build strength, and capacity to aid understanding, and be a positive stepping stone in increasing awareness and knowledge across society as a whole.

Financial Implications

Question 8: Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law? Please explain the reasons for your answer, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

We must be very careful not to go down the route of 'cheapest' option only. This new legislation and its statutory guidance should be rights based approach with the invest to save consideration of [early indicative profiling](#) identified in [Informed Solutions for Better Outcomes](#) Jan 2022, and by preventing the escalation which we know leads to profound negative impacts on their individuals and families and for some leaves them suffering long lasting trauma, more so when restraints and seclusion is used repeatedly.

We as families would be seeking the proposals to be embedded within existing systems, including monitoring, supporting inclusion in practice. Understanding a child or young person by including them in the decision making about them and the development of their educational plan.

Equalities

Question 9: Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question. Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

As families we believe the proposals will have a positive impact of the lives of our children and young people, especially those with autism, learning disabilities who are

disproportionately negatively affected by restraint and seclusion. We also believe early indicative profiling could substantially reduce such issues and provide more holistic information about a child or young person to enable a more comprehensive impact risk assessment which will allow changes to be identified and addressed at earlier stages with said information also supporting staff, parent carers and more importantly a child or young person themselves.

As one 12 year old said during the Innovatively Individualising Triage Pilot Project,

“Know me better, enables us all more”

Sustainability

Question 10: Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas? If you do not have a view then skip to next question. Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

We know from engagement with our autistic children and young people, some more so than neurotypicals, are appreciative of our environment with some having strong interests in working within gardening, forestry etc and are knowledgeable about clean water and safe open spaces. We believe that the impact of this change would build stronger resilience and confidence in their own self-awareness, abilities and confidence to feeling safe, included and involved and able to contribute to society.

General

Question 11: Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

All 57 representatives appreciate the opportunity to share this collaboratively produced response. We welcome the proposed legislation, and would hope it becomes law where it is inclusive, cohesive and connected with other legislation to make it workable, deliverable and impactful.

For further information in the first instance please contact Thom Kirkwood (facilitator)
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Thom will then if required disseminate across the 57 representatives.