

Response ID ANON-2PNB-RA6P-B

Submitted to Statutory Guidance On The Reduction And Management Of Restrictive Practices In Educational Settings In Northern Ireland
Submitted on 2023-10-27 17:24:35

Introduction

1 Please select the box that best describes you:

Other Interested Member of the Public

If Other, please specify:

Charity

2 If you are responding on behalf of an organisation please specify below. (Optional)

Organisation:

Women's Resource & Development Agency

3 Name (optional)

Name :

Elaine Crory

Children's Rights Centred

4 To what extent do you agree or disagree that the guidance is Children's Rights Centred?

Neither agree nor disagree

Understanding Behaviours

5 To what extent do you agree or disagree that the guidance includes reference to understanding of behaviours and what they are communicating?

Neither agree nor disagree

Additional Comments (optional):

While the guidance does include reference to understanding behaviours and what those behaviours are communicating, it is not clear from the draft guidance that this will be achieved, or how it will be achieved. Saying that the policy and procedures will include this is insufficient evidence that it will provide the resources that education professionals and others in schools will find helpful and will enhance their understanding of challenging behaviours. More detail is needed.

On the previous question, there is a need to include pupils who are no longer children and their rights as well as children under the age of 18, as a number of adults do attend school settings in NI and their rights should be addressed also.

Restrictive Practices

6 To what extent do you agree or disagree that the guidance is clear on what restrictive practices should NEVER be used?

Disagree

Additional comments (optional):

The guidance mentions "crisis situations" and says that restrictive practices are reasonable only when the circumstances "of the particular situation" warrant it, but it is not clear what kinds of circumstances this may include. Only one example is listed in the guidance, and while it is an example that is hard to deny amounts to a crisis, one example is not illustrative of the range of behaviours that may constitute grounds for restrictive practices per this document. What constitutes a crisis is subjective and more clarity and specificity is needed.

Supportive Practices

7 To what extent do you agree or disagree that the guidance is clear on what supportive practices are and when these should be used?

Neither agree nor disagree

Additional comments (optional):.

The section on supportive and regulatory sensory spaces (section 10) is quite good but the section on supportive practices needs more detail - page 13 lists a variety of practices from the apparently innocuous to the extremely invasive and explains them only briefly. The section on medication is especially concerning because, although it can be read as simply the provision of medication that the student takes routinely, later in section 9 (page 23) it states that the administration of medications is at the discretion of the teacher. This is very concerning and leaves two possibilities; either a teacher may withdraw prescribed medication that a student needs at their own discretion, or that a teacher may administer medications that are not medically necessary entirely at their own discretion. At the very least, this needs clarification.

In addition, there is a need for greater clarity needed that supportive practices are intended to support the student's inclusion in all normal classroom activity where at all possible. We also take the view that these kinds of interventions need to be recorded as well as restrictive practices, so that parents can get a clear sense of the various kinds of restrictions used on their child/ren and if necessary meet with the school to resolve concerns and get better information / a revised IEP etc.

Understanding Behaviours of Concern and the Development of Behaviour Support Plans

8 To what extent do you agree or disagree that the guidance highlights the importance of understanding behaviours of concern and the development of behaviour support plans

Neither agree nor disagree

Additional comments (optional):

There is scant detail on how this will be achieved, although it does mention that it is an important issue and outlines available training, this guidance as presented is insufficient in detail to make an informed judgement. It would be helpful to expand on this area of work since the consultation clearly views this as a key goal of this guidance.

Last Resort Circumstances

9 To what extent do you agree or disagree that the guidance highlights the last resort circumstances when reasonable force can be used?

Neither agree nor disagree

Additional comments (optional):

While the guidance is clear on the steps that staff should taken in these circumstances, it is not clear enough on how staff should identify when those circumstances are present; again, "crisis" is a subjective term and more concrete examples are necessary. Risk of injury and self-defence are mentioned, but the guidance is, on the one hand, clear that the threshold for intervention depends on circumstances and, on the other hand, non-specific as to how staff should identify when a situation requires last resort actions. This lack of clarity is not helpful to staff nor to pupils and their families.

Pupils' Care Plans

10 To what extent do you agree or disagree that the guidance includes measures that ensure the recording of supportive practices in pupils' care plans?

Disagree

Additional comments (optional):

The guidance says that these measures "should be recorded" "where applicable". With the understanding that students may avail of these provisions without care plans in place, where they are in place it is important to require the recording of these measures - particularly in the case of those are more invasive.

Planning and Training

11 To what extent do you agree or disagree that the guidance highlights planning and training that prevents escalation and addresses crisis situations if they arise?

Neither agree nor disagree

Additional comments (optional):

While a lot of training options are listed, and these are welcome, planning is less visible in the Guidance. Ideally this would merit its own section, as de-escalation is mentioned but without sufficient information on how the classroom and school environment can itself input into a crisis scenario and how the first part of de-escalation can be providing a classroom environment for all pupils that is supportive of those most at need as well as those who may not need support on a regular basis.

Alignment with Departments of Health and Justice

12 To what extent do you agree or disagree that the guidance details the legislative and policy context, provides clear definitions of restrictive practices and supportive practices, aligned as far as possible with those of the Departments of Health and Justice?

Neither agree nor disagree

Additional comments (optional):

Most definitions are clear but as discussed above the descriptions of some of the supportive practices are too brief and may be misleading given content included elsewhere in the guidance (for example, on the administration of medication, as discussed earlier).

This is especially important for parents and carers who may not be as familiar with the terminology used in this document or in their child's IEP

Roles and Responsibilities

13 To what extent do you agree or disagree that the guidance outlines the roles, responsibilities and accountabilities of school staff, health professionals, Principals, Board of Governors, the Education Authority, parents/carers, children and young people and the Department itself?

Agree

Additional comments (optional):

Mandatory Recording and Reporting

14 To what extent do you agree or disagree that the guidance provides for the mandatory recording and reporting of all incidents of physical restraint/reasonable force by educational settings?

Neither agree nor disagree

Additional comments (optional):

The guidance on recording all incidents is clear, however:

1. Supportive practices should be recorded also, particularly those that are invasive or non-routine
2. The "periodic reviews" carried out by Boards of Governors must be time bound - how often will these be carried out?
3. While it is clear that parents must be informed, it would be beneficial for parents to be able to participate in the process, by providing feedback on how their child experienced the restraint or force, whether there were ensuing medical or health issues, whether it has diminished their child's ability to learn or their safety at school. This will enhance the ability of the school to improve how they serve children with additional needs.

Exemplars of Practices

15 To what extent do you agree or disagree that the guidance includes exemplars of positive, preventative and early intervention practices identified by the Education and Training Inspectorate?

Agree

Additional comments (optional):

Training and Resources

16 To what extent do you agree or disagree that the guidance includes details of training and resources available for educational settings, from the Education Authority, in relation to handling behaviours of concern?

Agree

Additional comments (optional):

Informing Parents/Carers of Incidents

17 To what extent do you agree or disagree that the guidance outlines the requirement for educational settings to immediately inform parents/carers of any incident followed up with a formal report which should include measures to support the child and staff and prevent further incidents?

Agree

Additional Comments (optional):

We agree that the guidance does explain this requirement. However our view, as outlined above, is that the requirement to inform should also allow measures to allow parents to feed into the recording process and to help the school to hear the voice of the child in the process, allowing them to develop better processes moving forward. This would be helpful to the school, but especially helpful in developing a trusting relationship between child, parent/carer and the school authorities.

Complaints Process

18 To what extent do you agree or disagree that the guidance outlines the complaints process and links to the Department's Safeguarding and Child Protection Guidance which includes advice on the escalation of safeguarding and child protection concerns?

Agree

Additional comments (optional):

Whistleblowing Procedures

19 To what extent do you agree or disagree that the guidance outlines whistleblowing procedures?

Agree

Additional comments (optional):

Consultation

20 To what extent do you agree or disagree that the guidance was developed in consultation with schools, professional bodies, children and young people and parents/carers.

Neither agree nor disagree

Additional comments (optional):

The list of consultees provided is helpful, but it is not at all clear how much parents and carers, teacher's unions and others contributed to the guidance, or whether they were simply invited to an event where the guidance was presented. As such it is difficult to assess as this is simply a list with no description of the detail involved.

Measures to Ensure Mandatory Recording and Reporting of Restraint

21 To what extent do you agree or disagree that the guidance includes measures to ensure mandatory recording and reporting of restraint?

Agree

Additional comments (optional):

A pro forma is helpful but once again

1. There are limits on the numbers of incidents that will be recorded; ideally all interventions will be recorded including some listed as restrictive practices

2. Measures should be enacted to allow the voice of the child via their parent or carer to contribute to how the incident is recorded.

Additional Comments

22 Please provide any additional comments you may have.

Any other additional comments (optional) :

We have concerns with the framing of a number of these questions; they ask to what extent something is present in the guidance, when it undeniably is, rather than invite comment on the measures outlined as appropriate or needed. Therefore we have taken every opportunity possible to respond to these questions with detail of how they could be improved, and chosen "neither agree nor disagree" more often than not.

We believe this guidance is absolutely necessary, but it is insufficient - in parts due to lack of detail and in other parts due to the guidance itself being poor; for example the absence of a voice for the child, and the inclusion of a number of barely-defined practices with the implication that they are barely restrictive and do not require recording, when in fact these may not be true. Parents may therefore agree to them without fully appreciating what they are agreeing to,

In addition, it is absolutely vital that more detail is included on how the guidance understands crisis situations and what kinds of force are defined as reasonable, depending on the situation. On the one hand, it understands that every situation is different, but it provides no detail on how to discern between genuine crisis and simple disruption. This vagueness is unhelpful for school staff and is especially unhelpful for children with additional needs and their parents / carers who need to know these things before a crisis occurs. We recommend returning to the draft guidance and significantly improving this section.

Additional Information

23 If you would prefer your response to remain confidential, please tick this box

Remain Confidential:
No