

Members' Library Service Request Form

Date of Document	11/07/25
Originator	Jennifer Boyle
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Document Title	Update to Policy - Included, Engaged & Involved: Managing Distressed and Challenging Behaviour, 2018

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Additional information:

Authorised By	Nicola Mcdowell
Designation	Head of Eduaction
Date	13/08/25

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COMMITTEE:	Members' Library Service
MEETING DATE:	Report Dated 11 July 2025
BY:	Head of Education
REPORT TITLE:	Update to Policy - Included, Engaged & Involved: Managing Distressed and Challenging Behaviour, 2018
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To seek approval from the Member's Library for the updated policy: *Included, Engaged & Involved: Promoting Positive Relationships and a Rights Based Approach to Ensure Safe and Consistent Environments for All, July 2025*. This is an update to *Included, Engaged & Involved: Managing Distressed and Challenging Behaviour, November 2018*

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Note the changes to the policy and rationale for this.
- 2.2 Approve the updated policy, if acceptable, by 5 September 2025 to allow training to be provided to education staff.

3 BACKGROUND

- 3.1 In light of the United Nations Convention on the Rights of the Child (UNCRC) becoming part of Scots law through the UNCRC (Incorporation) (Scotland) Act 2024, this policy been reviewed and updated to ensure compliance with the new legal framework. This reflects our commitment to upholding children's rights.

- 3.2 The policy update demonstrates alignment to specific UNCRC articles and increased emphasis on the importance of meaningful collaboration with children and young people.
- 3.3 Updates reflect best practice across the local authority and reinforce our commitment to promoting, protecting, and fulfilling children's rights in all aspects of service delivery. By embedding a rights-based approach, the update underpins a consistent, child-centred policy that upholds the dignity and wellbeing of every child.
- 3.4 The updates align with national guidance and policy.

4 POLICY IMPLICATIONS

- 4.1 The name of the policy will be updated as reflected in 1.1.
- 4.2 The updated policy continues to emphasise the importance of early and effective assessment and planning to reduce the likelihood and impact of distressed behaviour.
- 4.3 Increased emphasis is given to the importance of supports at the universal level for all children and young people.
- 4.4 The updated policy is aligned to refreshed Getting it Right for Every Child (GIRFEC) paperwork, particularly the new Child Planning Framework.
- 4.5 Details and expectations of recording and recording processes for distressed behaviour are set out in the updated policy.
- 4.6 Duty of care advice for managers and available supports for employees, aligned to East Lothian Council values, are provided.
- 4.7 The updated policy is underpinned by Scottish Government guidance documents including: Physical Intervention in Schools - a Relationships and Rights Based Approach, November 2024; Schools - Fostering a Positive, Inclusive and Safe Environment, June 2025 and Schools - Violent, Aggressive and Dangerous Behaviour: Risk Assessment, June 2025.

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: None
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken, and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 None

8 BACKGROUND PAPERS

- 8.1 *Included, Engaged & Involved: Managing Distressed and Challenging Behaviour, November 2018.*
- 8.2 *Promoting Positive Relationships and a Rights Based Approach to Ensure Safe and Consistent Environments for All, July 2025.*

9 AUTHOR AND APPROVAL DETAILS

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Date	11 July 2025

Head of Service Approval

Name	Nicola McDowell
Designation	Head of Education
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Yes
Approval Date	11 July 2025

Included, Engaged and Involved 3:

Promoting positive relationships and a rights-based approach to ensure safe and consistent environments for all.

Policy 2025

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2.

Introduction

Across East Lothian we are ambitious for our children and young people and working together, we will support them to be confident, resilient and to achieve within their schools and wider communities. Working in partnership with Children's Services, we aim to ensure everything we do starts with the child and family and builds the right support and services around them.

Working together, we:

- *share common values, approaches, behaviour and a strong commitment to do the very best for East Lothian's children and young people*
- *are ambitious for our children and young people*
- *promote and prioritise early intervention and prevention*
- *take a relationship-based approach with each other, our children, young people and their families promote creativity and innovation*
- *want East Lothian to be an inclusive place to live and learn.*

Education Progress and Improvement Plan

East Lothian Council's approaches ensure that we support our children and families to have the very best start in life and that they can go on to have fulfilling lives, better health and living longer.

We have a relentless focus on Inclusion, Achievement, Ambition and Progress for All and work together to Get it Right for Every Child and to ensure that all our children and young people are Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

East Lothian Council's Equity Principles:

- recognise the impact that poverty can have on the wellbeing, attainment and achievement of children and young people and are **rigorous in our approaches to mitigate this**;
- are **ambitious** for all our children and young people and it is our collective endeavour to **maximise on their school experiences and opportunities through our curriculum and coursing**;
- use **inclusive** approaches to **broaden the parameters of success** for children and young people;
- use **formative and summative assessment processes** to fully understand and support children and young people's progress and attainment;
- use **robust tracking and monitoring procedures** including **school attendance** to allow for the **early identification** of children and young people who are **at risk** of underachieving and put appropriate interventions in place;
- use **moderation** to inform our approaches to supporting attainment

- **work collegiately** and with partners to provide support and help for children and young people where required and
- recognise the **positive impact that gaining qualifications and** achievements has on **the** wellbeing and life chances of children and young people and seek to **maximise** on these opportunities.

In line with the above principles, this policy provides the duties and responsibilities associated with:

- Promoting positive relationships, behaviour and wellbeing,
- Minimising the use of restraint and seclusion and eliminate their misuse
- Ensuring children and young people’s rights are understood, respected and complied with in all decisions around the use of physical intervention, restraint and seclusion.”¹

¹ Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools (IEI Part 3)

All staff should be made aware of the [current guidance from Scottish Government](#) and of this policy detailing local arrangements.

The guidance reflects the application of the relevant legal frameworks.

Sections Overview:

- Section 1:** [Legislation, Policy and East Lothian's Approach](#)
- Section 2:** [Preventing and Minimising Distressed Behaviour](#)
- Section 3:** [Planning and Providing for Additional Support Needs](#)
Part 1: Understanding Distress and Dysregulation
Part 2: Child Planning Framework
- Section 4:** [Physical Restraint and Seclusion](#)
- Section 5:** [Post Incident Support and Learning Review](#)
- Section 6:** [Recording and Monitoring](#)
- Section 7:** [Staff Wellbeing, Training and Professional Learning](#)
- Section 8:** [Appendices](#)

DRAFT

Use Of Terminology

Parent

Throughout this policy the term parent(s) will be used to apply to anyone with parental rights and responsibilities, those providing a foster or residential placement, or the local authority where full parental responsibility rests with them as corporate parents. In the case of care experienced children and young people and those in kinship care, this is also taken to mean 'carer'.

Child

Statutory guidance which supports the Children and Young People (Scotland) Act 2014, includes all children and young people up to the age of 18.

Eligible child: a child in school education who has attained the age of 12 but not 16 and who has been assessed as having capacity (sufficient maturity and understanding) to exercise their rights under the Act, and that the education authority (or Tribunal) considers the wellbeing of the child would not be adversely affected by the child exercising their rights.²

Young Person

A person who is aged 16 years or over, who is a pupil at a school, and has, since attaining the age of 16 years or over, remained a pupil at that or another school

Consent And Information/Data Sharing

When referring to consent or data sharing within this document, the following should be considered.

Any disclosure of information must be in accordance with the law on data protection, human rights, confidentiality and other relevant law.

Children have specific rights to own their own data from age 12. There may be however specific circumstances such as ensuring the safety of a child or young person/Child Protection responsibility overbalances an instruction made by the child. The specific situation must be considered carefully to ensure that any decision taken does not act incompatibly with the child or young person's rights.

In the event of a request for information, check:

- Who is asking for information?
- What information are they asking for?
- What is the data subject's (the pupil's) view (essential in over 12s, very important in those younger)?
- Are there any other rights holders who will be impacted by this request?
- Are there any safety concerns?

² Additional support for learning: guidance on assessing capacity and considering wellbeing. 2017

Within this policy, the following are the accepted definitions:

Physical Intervention

Physical contact carried out with the purpose of providing support to or preventing the actions of a child or young person

Restraint

An act carried out with the purpose of restricting a child or young person's movement, liberty and/or freedom to act independently.

Seclusion

An act carried out with the purpose of isolating a child or young person, away from other children and young people, in an area from which they are prevented from leaving.³

Violence

The Health and Safety Executive defines violence as: "Any incident in which a person is abused, threatened, or assaulted in circumstances relating to their work."⁴ This can include⁵ physical attacks, verbal abuse, including face to face, online and via telephone.

³ Definitions from Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools

⁴ The Scottish Advisory Group for Relationships and Behaviour is considering the definition of violence for the purposes of recording and monitoring of incidents in schools. This will build on the definition provided by the Health and Safety Executive.

⁵ If a child's behaviour is a risk to themselves, it should also be considered in the context of this policy.

1

Section 1:

Legislation, Policy And East Lothian's Approach

Legislation And Policy

The legislative and policy landscape includes, but is not limited to, the following:

Legislation

- Under the *Education (Scotland) Act 1980* education authorities must provide adequate and efficient school education for children of school age within their area. The *Standards in Scotland's Schools etc. (Scotland) Act 2000* requires education authorities to provide education for all children in mainstream schools, except under certain circumstances. In addition, it placed a new duty: to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential and to involve them in decisions, which will affect them significantly.
- Human Rights Act 1998
- Standards in Scotland's Schools Act 2000
- The *Education (Disability Strategies and Educational Records) (Scotland) Act 2002* requires schools to make reasonable adjustments for the needs of disabled children and ensure they must not discriminate against disabled children. The Education Authority must prepare and implement an accessibility strategy to increase the access of its disabled pupils to the curriculum, extra-curricular activities, to school buildings and to information.
- The *Education (Additional Support for Learning) (Scotland) Act 2004* (and subsequent amendment in 2009) outlines the concept of additional support needs and the functions and duties that are placed on education authorities to identify and support those needs.
- *The Scottish Schools (Parental Involvement) Act 2006* places duties on Scottish Ministers, local authorities and head teachers in relation to the provision of information to, and the involvement of, parents in their child's education
- The *Equality Act (2010)* simplified and strengthened previous protections for Children and Young People with 'protected characteristics' (e.g. age, race, disability and sexual orientation) from discrimination. This strengthened inclusion in education, including school trips and activities, for all Children and Young People regardless of their additional support needs or disability.
- The *United Nations Convention on the Rights of the Child (UNCRC)* was incorporated into Scots Law, effective from July 16, 2024. The rights within the Convention apply to everyone under 18 in Scotland. The UNCRC covers all aspects of children's lives, including civil, political, economic, and cultural rights.

Policy and Practice Guidelines

- *Curriculum for Excellence* aims to provide a coherent, flexible curriculum for all Children and Young People aged 3-18 years. The curriculum comprises of the totality of experiences which are planned for Children and Young People wherever they are being educated. Entitlement includes: a coherent curriculum from 3-18 years; a broad general education until S3; a senior phase after S3 and personal support to enable them to gain as much as possible from the curriculum and support in moving into a positive and sustained destination beyond school.
- *Realising the Ambition: Being Me–National practice guidance for early years in Scotland (February 2020)* This guidance increases expectations of high quality but still provides the necessary support for all who work within the sector and beyond.
- The *National Improvement Framework* for Scottish Education sets out the Scottish Government’s vision and priorities for our children’s progress in learning. The Framework, part of the Education (Scotland) Act 2016, is key in driving work to continually improve Scottish education and close the attainment gap, delivering both excellence and equity.⁶

See [Appendix iii](#) for full list of legislative and policy framework.

Education authorities need to:

- Make provision that is directed toward the development of the personality, talents and mental and physical abilities of the child to their fullest potential;⁷
- Have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities, prevent discrimination against pupils with disabilities and make reasonable adjustments for individual children to ensure equality of opportunity in learning. The technical guidance for Schools in Scotland provides guidance on the requirements under the Equality Act 2010;^{8 9}
- Plan for accessibility of the curriculum, school information and physical access;¹⁰
- Identify and provide the support required to enable individual Children and Young People to overcome barriers to their learning, including looked after Children and Young People¹¹
- Consider the wellbeing of Children and Young People.”¹²¹³

⁶ References to Legislation, Policy and Practice Guidelines adapted from ‘Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017’

⁷ Standards in Scotland’s Schools etc. Act 2000

⁸ Equality Act 2010

⁹ Technical guidance for Schools in Scotland

¹⁰ Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002

¹¹ Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)

¹² Children and Young People (Scotland) Act 2014

¹³ Guidance on the presumption to provide education in a mainstream setting, March 2019, Scottish Government

Legal Definition: Additional Support Need

Distressed behaviour is likely a child or young person communicating an unmet need. Staff in all East Lothian schools must be familiar with [identifying, assessing, planning and providing for additional support needs](#). This knowledge and understanding will inform best practice in identifying the unmet need and subsequent planning and provision of support.

“1.-(1) A child or young person has additional support needs for the purposes of this Act where, for whatever reason, the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for the child or young person.

(1A) Without prejudice to the generality of subsection (1), a child or young person has additional support needs if the child or young person is looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c.36)).

(1B) But where, in the course of identifying (in accordance with the arrangements made by them under section 6(1)(b)) the particular additional support needs of a child or young person who is looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c.36)), an education authority form the view that the child or young person is, or is likely to be, able without the provision of additional support to benefit from school education provided to or to be provided for the child or young person, subsection (1A) ceases to apply”¹⁴

A child or young person may have Additional Support Needs at any time during their school life.

Assessing wellbeing needs is a statutory responsibility. East Lothian Council is responsible for making arrangements to identify Additional Support Needs and this happens by working in close collaboration with the child or young person, parents and when appropriate, other services and agencies.

It is not possible to list all the circumstances where this may be the case because every learner is different and one thing that affects one child or young person’s learning could have little or no effect on the learning of another.

The following are examples of circumstances that may give rise to Additional Support Needs:

- [learning environment](#) - access to an appropriate curriculum (including for those exceeding expectations), communication support needs, English as an additional language
- [family circumstances](#) – family breakdown, young mother, young carer, looked after*, housing issues, poverty, children and young people from armed forces and veteran families

¹⁴ Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

- disability or health need – Neuro Diversity, mental health concern, temporary or longer-term physical condition
- social or emotional needs – bereavement or loss, misuse of drugs or alcohol by the young person and/or parents, CYP at risk of exclusion

*All Children and Young People who are Looked After by the Local Authority are considered to have Additional Support Needs, unless assessment concludes that they do not.

Working With Children, Young People And Parents

East Lothian Council is determined to create a safe, positive and inclusive environment where respect is shown to and is given by all its children, young people, staff and parents.

A Rights Based Approach

As Duty Bearers, all adults have a responsibility to ensure that The UNCRC informs every aspect of East Lothian’s approach.

All rights apply without discrimination of any kind.

Four articles in the Convention known as the “General Principles” and they help to interpret all the other articles.



These underpin all the other articles and can play a fundamental role in realising the rights in the UNCRC for all children. In all cases, we must make reasonable efforts to help a child express their views. This includes specific arrangements for some children and young people.

Within the scope of his guidance other key articles to consider are:



Article 19: do all we can do to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment



Article 23: a child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to provide support to disabled children and their families



Article 28: every child has the right to an education.



Article 29: education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

This is not an exhaustive list and in the processes of identifying, assessing and planning for any additional support needs there may be others that are also relevant.

Legal safeguards are also included in the European Convention on Human Rights ("ECHR", which is incorporated into law by the Human Rights Act 1998). In particular:

- Article 3 Freedom from torture and inhuman or degrading treatment
- Article 5 Right to liberty and security
- Article 8 Respect for private and family life, home and correspondence
- Article 14 Protection from discrimination

Furthermore, the provisions of the Equality Act 2010 ("the 2010 Act") and the United Nations Convention of the Rights of Persons with Disabilities are relevant to practice in this area. This human rights framework is the basis for the best practice advice in this guidance."¹⁵

¹⁵ Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools

Trauma Informed Practice

“A trauma-informed recovery-oriented approach is person centred and involves sensitivity to individuals’ particular needs, preferences, safety, vulnerabilities and wellbeing, recognises lived experience and empowers people with lived experience to genuinely participate in decision-making.”¹⁶

Principles Of Trauma Informed Practice:

- Safety;
- Choice;
- Collaboration;
- Trust;
- Empowerment and
- Cultural consideration¹⁷

The principles of trauma informed practice align with GIRFEC, the Code of Practice and the UNCRC and should be adopted in response to all interactions.

This guidance should be read in conjunction with Included Engaged and Involved:

- [Promoting and managing school attendance](#)
- [Preventing and managing school exclusions.](#)
- [Identifying, Assessing and Providing for Additional Support Needs of Children and Young People](#)
- [Child Planning Framework](#)

Scottish Government Guidance:

[Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools](#)

¹⁶Mental Health Coordinating Council 2022, Recovery Oriented Language Guide: Third Edition, Sydney, Australia.

https://mhcc.org.au/wp-content/uploads/2019/08/Recovery-Oriented-Language-Guide_2019ed_v1_20190809-Web.pdf

¹⁷ Further exemplification of each of the principles:

<https://www.gov.uk/government/publications/working-definition-of-trauma-informed-practice/working-definition-of-trauma-informed-practice>

Children and Young People's Views

“The 2000 Act places a duty upon education authorities, where they are responsible for the school education of a child or young person, to secure that the education is directed towards the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.”¹⁸

This has subsequently been built on to include the duty to “seek and take account of the views of Children and Young People” when there is an assessment of need and when making decisions about what supports may be required.

Tools To Support Meaningful Collaboration

GIRFEC Site Resources

A range of tools are available to facilitate ways in which the views and experiences of children and young people are listened to, recorded and acted upon.

[Documents To Gather Views](#)

A collection of documents suitable for a range of ages and stages to support effective participation.

[7 Golden Rules For Participation](#)

East Lothian schools are encouraged to follow the 7 Golden Rules for Participation, to facilitate engagement and discussion with learners.

Appropriate support should be given to all children who need it to communicate, and specific arrangements made for children and young people with complex needs.

- In seeking and taking account of a child or young person's views, the Act does not require parental consent even when the parent does not wish for this to happen as the East Lothian Council have a duty to seek and take account of the both the child and the parent views. (See [Identifying, Assessing and Providing for Additional Support Needs of Children and Young People](#) for guidance on determining a child's capacity to exercise the right they are intending to use.)

¹⁸ Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

While we must consider the views of the child, the authority does not have to consent to and implement everything a child or young person asks for.¹⁹

Where an education authority is not able to act on a child or young person's views the reasons should be shared and explained.

For further information and guidance on the rights of the Child aged 12-15 years who have capacity see Included, [Engaged & Involved : Identifying, Assessing and Providing for Additional Support Needs of Children and Young People](#)

Parents

East Lothian Council recognises that parents have a unique personal knowledge of their children and believe that positive relationships based on trust and effective communication underpin this vital partnership. This supports informed decision making to understand wellbeing and meet needs.

Effective planning for children and young people provides an opportunity to develop an increased understanding of a child or young person's wellbeing. It also encourages the child or young person and their parents, together with professionals, to develop a joint commitment to achieving shared aims and targets to support wellbeing.

The East Lothian Council also provides a range of information and advice for parents and carers.

[Getting It Right For Every Child](#)

East Lothian Council's website for guidance on the implementation of GIRFEC via the Child Planning Framework.

[Information Sharing Charter – Parents and Carers – 2022](#)

The Charter that explains how parents and carers can expect information about themselves or their child to be managed and aims to make privacy rights easier to understand.

¹⁹ *Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017 Chapter 7 Section 16*

East Lothian's Approach



East Lothian Council is committed to providing the best education service in Scotland through a relentless focus on Inclusion, Achievement, Ambition and Progress for All.

We aim to ensure East Lothian's children, young people and families are confident and resilient, and fully included as valued contributors within their schools and communities.

To do this we:

- share common values, approaches, behaviour and a strong commitment to do the very best for East Lothian's children and young people;
- are ambitious for our children and young people;
- promote and prioritise early intervention and prevention;
- take a relationship-based approach with each other, our children, young people and their families and
- promote creativity and innovation and want East Lothian to be an inclusive place to live and learn..

East Lothian Excellence & Equity: Raising Attainment for All Strategy

Positive relationships

Deeply rooted in our values of **Enabling**, **Leading** and **Caring** is the fundamental importance East Lothian Council places on positive relationships.

“Relationships are simply the interactions and connections between people.

Positive relationships support:

- everyone in the learning community - learners, parents, and staff
- behaviour, wellbeing, attendance, inclusion, achievement and attainment, equity, equality and rights resilience and the ability to deal with difficulties.”²⁰

East Lothian Council staff have a crucial role in modelling positive relationships for children and young people, demonstrating and modelling positive relationships through kindness, warmth, empathy, trust and respect.

Learning which promotes positive relationships (across the four contexts) supports the development of children and young people’s social and emotional competencies and is an important preventative approach to distressed behaviour.

Professional Values

Building and fostering positive relationships in the learning community which are respectful of individuals

Trust and Respect

Understanding health and wellbeing and the importance of positive and purposeful relationships to provide and ensure a safe and secure environment for all learners and colleagues within a caring and compassionate ethos.

General Teaching Council Scotland: The Standard for Career Long Professional Learning

²⁰ [Education Scotland: Guidance for developing a Local Relationships and Behaviour Policy](#)



These expectations are organised into three graphic organisers and use the sails of a boat to reflect the coastal nature of East Lothian.

The three sails are:

Learning (Enable)

Leadership (Lead) and

Relationships (Care).

East Lothian Pedagogy Sails

Each statement within the sails is precise but not prescriptive and illustrates 'the why' to ensure the outcome is clear.

For the purpose of this policy, the focus is predominately on the 'Relationships' Sail but this is not exclusive and the relevant sections in the other two should be considered.

The importance of relationships

'Building authentic relationships in education amplifies learning; 'no significant learning occurs without a significant relationship.'

[Rita Pierson: TED talks Education May 2013](#)

'A child's right to an education that is concerned with realising their fullest potential means getting alongside the child, valuing their lived experience, giving them love and care and using our best professional knowledge and skills to make a positive difference. It's all about relationships.'

[Learning and school life in Scotland. A Children's Parliament Report](#)

Applying Nurture Principles



Positive relationships and a nurturing approach are at the heart of our core values, vision and ethos. They are the hallmark of engagement within our communities and crucial for learning and wellbeing.

- We recognise the importance of childhood experiences in shaping future outcomes.
- We believe that everyone should be valued, respected and heard.
- We model and promote positive relationships through a balance of care and challenge, with focus on achievement and attainment.
- It is the responsibility of all to understand and develop nurturing and restorative approaches.
- We understand that whole school nurture is characterised by the combination of high expectation and attuned support (sensitive, empathic and responsive support).

We know that good teaching and learning begins with positive relationships.

Relationships fulfil our most fundamental needs as humans – social connectedness.

A nurturing approach recognises that positive relationships are central to both learning and wellbeing.

Inclusion



We value and cultivate feelings of belonging and safety within our communities.

- We create adaptable environments to support children to feel safe and secure.
- We ensure learning is flexible and creative, taking account of individual needs, choices and circumstances.
- It is the responsibility of all to respect and celebrate diversity and difference.
- We ensure presence, participation, achievement and support for all learners.

Wellbeing



Our relationships are underpinned by the principles of GIRFEC.

- We respect the rights of children and young people.
- We enable children to express their views, feelings and wishes, and we value and take their views seriously.
- Our learning environments recognise and support the mental health and wellbeing of everyone in the school community.
- We respond to wellbeing needs through collaborative assessment and planning.
- We work proactively and collaboratively to ensure appropriate safeguarding and child protection measures.

Resilience Building



Trauma-informed approaches enhance people’s capacity to make positive connections with one another.

- Our practices are informed by an understanding of stress, regulation and trauma.
- We apply the trauma-informed principles of collaboration, choice, empowerment, safety and trust throughout our school community.
- We demonstrate and model positive relationships through kindness, warmth, empathy, trust and respect.
- Our responses and interactions are attuned to the presenting and changing needs of children.
- We foster skills in strengthening connections through repairing harm.

DRAFT

2

Section 2:

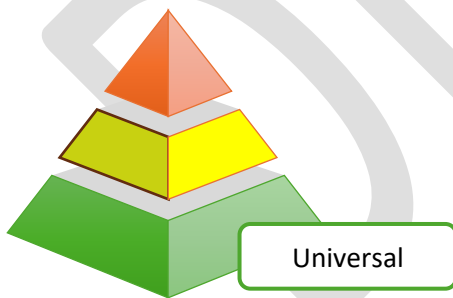
Preventing and Minimising Distress

Agency protocols must support proactive, preventative, non-restrictive responses to distressed and challenging behaviour. This begins with forming an understanding of the needs behind the behaviours, and forming strategies with each individual child to protect their safety and rights, and those of others involved.

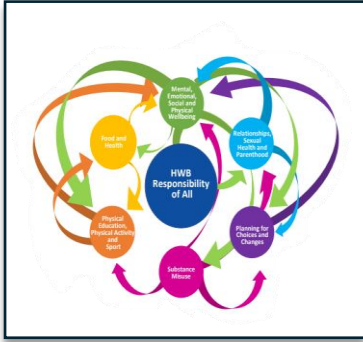
National Guidance for Child Protection in Scotland 2021 – updated 2023

East Lothian Council aims to meet the needs of all learners and complement our authority-wide commitment to a nurturing approach.

These inclusive practices support all staff within education to develop positive, respectful relationships with children and young people, and to take account of the needs of individuals whilst planning for all.



This section provides an overview of best practice in our universal provision and which aims to prevent and minimise distressed behaviour.



Curriculum For Excellence And Health And Wellbeing: Responsibility Of All

All staff have a collective responsibility for all children and young people’s mental, social, emotional and physical wellbeing as outlined in Health and Wellbeing Responsibility of All.

“Children and young people should feel happy, safe, respected and included in the school environment and all staff should be proactive in promoting positive behaviour in the classroom, playground and the wider school community.”

“Everyone within each learning community, whatever their contact with children and young people may be, shares the responsibility for creating a positive ethos and climate of respect and trust – one in which everyone can make a positive contribution to the wellbeing of each individual within the school and the wider community.”

Health and wellbeing across learning: responsibilities of all: principles and practice

The Health and Wellbeing Curriculum is an essential part of the universal provision for learners which supports children and young people to develop the knowledge and understanding, skills, capabilities and attributes they need for their physical, social and mental wellbeing.

All schools in East Lothian must follow the Relationships, Sexual Health and Parenthood (RSHP) Curriculum as the core Personal and Social Education and the Health & Wellbeing Curriculum.

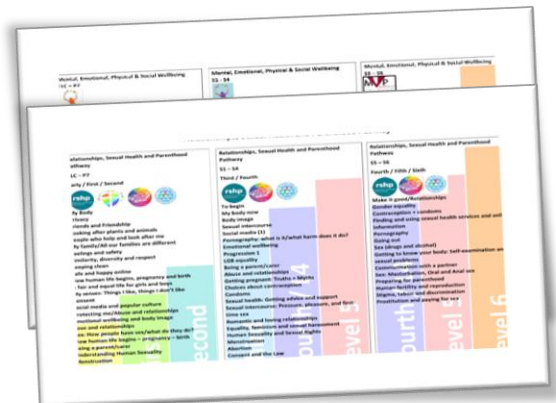
The framework describes the features of the environment for learning ensuring both a positive ethos and relationships.

ELC Health and Wellbeing Framework

Includes supporting resources links to Rights and wellbeing indicators

Including:

- Being Me
- [rshp Resource](#)
- Building Resilience



CIRCLE Primary And Secondary Inclusive Practice

The Curriculum for Excellence Framework is supplemented within East Lothian using the CIRCLE primary and secondary inclusive practice resources.

These resources focus on four key areas:

Skills, Motivation, Structures and Routines, and Environment

East Lothian's CIRCLE Inclusive Classroom (Learning Space) Scale

The following aspects should always be considered:

- Physical Environment
- Social Environment
- Structures and Routines
- Motivation
- Abilities
- Interests

In addition to the above, consideration should be given to identifying spaces that children and young people can:

- Access themselves; *(This should not be lockable spaces such as toilets.)*
- Safely move around;
- Access quiet spaces that can support positive participation and decision making where additional communication support is provide and
- Access spaces/areas which facilitate both high and low stimulus activity to support any sensory needs.

Building Connections (for Early Years)

In collaboration with Educational Psychology and the Early Learning & Childcare team, East Lothian has developed an additional tool for Early Years practitioners, guided by the principles outlined in CIRCLE and Up, Up and Away.

Building Connections can be used to identify potential strategies for Early Learning & Childcare practitioners to implement, and support planning processes.

Primary school practitioners may also find this tool helpful for young children

[East Lothian: CIRCLE home Page](#)

Restorative Approaches

“Restorative approaches articulate with and compliment all other relational approaches and strongly influence the emotional atmosphere in a learning community.

A restorative approach recognises that people are the experts of their own solutions and if implemented effectively will promote accountability and maximise personal responsibility.

A restorative approach provides a framework of values, thinking and language that is helpful when ‘something’ needs to be restored.

In different contexts this could be:

- effective communication;
- relationships or friendships;
- empathy and understanding for another person’s perspective;
- trust and respect (this could mean a sense of security, self-confidence, self-respect, or dignity;)
- understanding the impact of our own behaviour on others or
- repairing damage or replacing something

Being restorative can be proactive (relationship building) or responsive (relationship repairing) and can be used at every level from everyday informal interactions to more formal restorative meetings.

All practitioners can behave in a restorative way by demonstrating restorative values and using restorative thinking and language.”²¹

Nurturing Schools

Nurturing approaches are underpinned by an understanding of attachment theory, which recognises the importance of early experiences in shaping children’s social, emotional and cognitive development (Golding et al, 2016). When children and young people experience consistent safety, security and comfort from key adults, they develop and desire to explore their environment and engage in learning opportunities.

Whole school nurture is a broad approach that can be embedded throughout schools to support any child who may be facing a barrier to learning. Nurturing schools create positive environments, where the ethos is focused on warmth, empathy and attuned interactions between all staff and pupils. They provide structure alongside consistently high expectations of all learners, recognising that all children can reach their full potential when given the right balance between care and challenge

²¹ <https://education.gov.scot/resources/restorative-approaches-to-support-positive-relationships-and-behaviour/>

Identification of Need: Universal



The Additional Support for Learning (ASL) Act directs the focus to be on needs. It is not dependent on a label or diagnosis. Most children and young people in East Lothian Council schools will be supported at the Universal level.

GIRFEC In East Lothian

National GIRFEC policy and guidance is delivered in East Lothian's Children's Services via the **Child and Young Person's Planning Framework**. This framework has been designed to be child centred, holistic and integrated in its approach to ensure that children and young people and their families, receive the earliest and most effective response to their needs

Developing informed insight into what may be leading to distressed behaviour is fundamental in providing the right support. i.e. By considering what the need might be, an appropriate response can be given.



Understanding Functions of Behaviour

- Attention
- Escape or Avoidance
- Control
- Self-regulation or Physical Needs
- Sensory or Play Needs
- Tangible



Window Of Tolerance*

- Describes the optimal zone of arousal that exists for each individual in their day-to-day life.
- Children and young people need to be within their 'window of tolerance' in order to be able to engage with learning.
- For children and young people who have difficulty regulating emotions, the window of tolerance may be quite narrow and it is difficult for the child or young person to stay grounded and calm.
- They may become overwhelmed and when they are outside the window they will be either hyper-aroused or hypo-aroused, or might be a mixture of both, switching between these two states.



Secure Understanding Of Neurodiversity

- Neurodiversity is a term which encourages neurodevelopmental differences to be viewed and understood in a positive way.
- Neurodiverse conditions are life-long and can impact on daily activities and family life.
- A secure understanding a child's strengths, abilities and difficulties is important ensure the right support is provided.

*Window of Tolerance: metaphor originally developed by Dr. Dan Siegel

Secure Understanding Of Neurodiversity

Terminology:

Neurodiverse refers to a group of people in which **some people are neurotypical** and **some are neurodivergent**.

Neurotypical can be used to describe individuals whose brain develops and functions in ways that are considered usual or expected by society.

Neurodivergent is the term for when someone's brain processes, learns, and/or behaves differently from what is considered "typical."

East Lothian's GIRFEC site provides a range of information [advice](#), guidance and support for neurodiverse children, young people and their families.

This includes:

[What is Neurodevelopment?](#)

[The Neurodiversity pathways for children and young people](#)

[Neurodevelopment supports available](#)

See also [Section Seven](#) for professional learning opportunity to extend knowledge and understanding of Neurodiversity and how best to provide support.

In Summary:

Level	Approaches	Resources
Universal	<p>Additional support needs are met in the classroom by the class teacher.</p> <p>Differentiation/modification to the curriculum/environment may be required.</p> <p>Trauma Informed Practice</p> <p>Advice and support can be provided by Support for Learning staff or school nurse.</p>	<p>Inclusive Practice</p> <p>CIRCLE Inclusive Classroom Scale (CICS)</p> <p>Autism Toolkit</p> <p>Applying Nurture Principles</p> <p>Restorative Practice</p> <p>Approaches to De-escalation</p>

Identification Of Need: Additional And Targeted

Where a child or young person continues to experience distress, additional planning should be in place.

Knowledge and detailed assessments of a child or young person and their needs should be the basis of planning for effective supports and informed use of strategies at additional and targeted level.

This is recorded and evidenced through the [Child and Young Person's Planning Framework](#) and associated supports and documentation.

Due consideration should be given to:

- Who needs to access the information agreed and shared in the relevant documents so that parent/child or young person are aware that education staff and other people supporting e.g. school nurse are aware of the relevant supports and agreed strategies. This should be proportionate and appropriate to the role of the adult.
- How this information will be accessed. i.e. school processes for sharing and disseminating the key information and
- That any disclosure of information is in accordance with the law on data protection, human rights, confidentiality and other relevant law.”²²

CIRCLE Participation Scale

The CPS is designed to support practitioners in improving their practice, considering individual learner participation in the curriculum and school life.

Part 1 focuses on an assessment of need, to guide the identification of strategies that may support the child or young person.

²² Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

3

Section 3

Planning and Providing Support

A child or young person does not need a diagnosis to be entitled to support.

Schools must provide support to all children and young people who need it, for whatever reason. Many children and young people will also need support for reasons that do not come with a diagnosis, for example if they are being bullied, caring for someone at home, or if they've been bereaved. No matter the reason why a child or young person needs support, they have the same rights to receive help at school.

Depending on a child or young person's needs, a formal diagnosis might help to understand what kind of support might help, but it does not change their legal rights. This means that if a child or young person is on the waiting list for an assessment, they still have the right to support in the meantime.

See: [Included, Engaged & Involved: Identifying, Assessing and Providing for Additional Support Needs of Children and Young People Policy](#) for further information on requesting a formal assessment.

This section is divided into two parts:

Part One: Supporting Information including strategies/responses for consideration

Part Two: East Lothian Council's tools for planning and providing for additional support needs specific to additional and targeted levels. The processes and associated documents facilitate:

- effective and meaningful collaboration and
- accurate recording of agreed supports, approaches and ongoing evaluation and review.

Part One: Supporting Information Including Strategies/Responses For Consideration

Coregulation

'Every action is an intervention.'

Despite preventative approaches being implemented, there will be situations where a child or young person will require support from adults to regulate. These may occur unexpectedly. This may include children and young people who are neurodiverse. Children and young people who have complex needs or have experienced trauma may require ongoing support to [coregulate](#) emotions and behaviour.

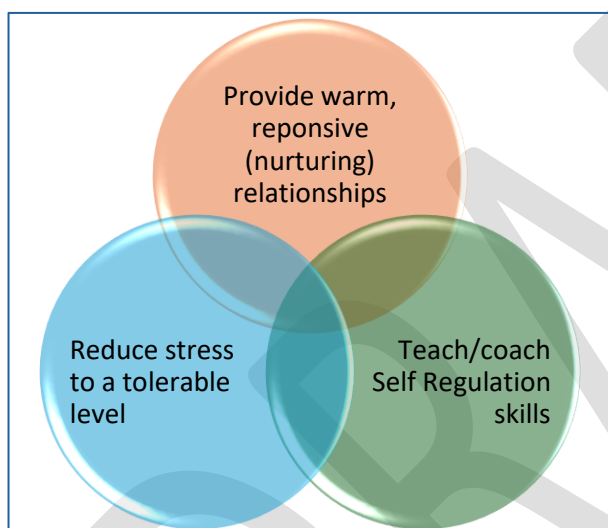


Figure 1: Three Ways to Support Co-Regulation

What co-regulation support do children and young people need?

- [Toddler \(ages 1-2\)](#)
- [Pre-school \(ages 3-5\)](#)
- [Primary School](#)
- [Secondary School](#)

De-escalation

Conflict

Conflicts are endemic in school life: that is not necessarily a problem – it is the way we handle them that matters.

Watkins and Wagner 2000: Improving School Behaviour. Sage Publications

De-escalation is required when conflict or disagreement has occurred. The conflict may be a result of range of different scenarios e.g. misunderstanding or difference of opinion, disagreement over information, different personal values, not being able to agree on an approach or action.

If one of the people involved in the conflict is stressed or angry, then the conflict may escalate

Where there are stressors there is potential for conflict. The initial stress can originate from a range of sources and may not always be obvious either to the child or young person or the supporting adult(s):

Possible sources of stress

- Sensory
- Social
- Physical
- Psychological
- Family/Community
- Learning²³

The child or young person may be experiencing a combination of more than one. i.e. trigger stacking.

De-escalation is reducing the intensity of the conflict and may involve coregulation. Staff should always use their professional judgement and knowledge of individual children to seek the least intrusive and most effective measures to de-escalate a situation - one size doesn't fit all.

Distressed behaviour usually follows a pattern. Knowledge of this [arousal cycle](#) i.e. early warning indicators, escalation, crisis, recovery and learning level strategies are important to ensure any intervention helps rather than hinders a child or young person at each stage of the cycle.

The arousal cycle begins with the **Trigger Phase** – this starts with anxiety. For some children and young people they may have elevated levels of anxiety most of the time as they try to navigate through daily events. Subtle changes may indicate that a child or young person is becoming dysregulated. When the cycle is not stopped or disrupted after the trigger phase the next stage may be **Escalation**. This involves two key emotions anger and aggression. Escalation will, progress if

- early warning signs are missed or ignored
- opportunities are missed to provide praise, give feedback or empathise
- staff have insufficient knowledge about the child or young person's needs

Relationships are fundamental to all approaches that support co-regulation: they form the context within which co-regulation is made possible through the Attunement and support that calm adults can provide. In this way relationships offer a 'Safe Base'.

Further information: [Regulated and Ready to Learn](#)

[CIRCLE Participation Scale](#)

[Part two of the CIRCLE Participation Scale](#) offers a range of strategies and supports for practitioners to implement and review.

²³ Additional notes from [Education Scotland: IWE module Relationships](#): Coregulation and De-Escalation

Child And Young Person Led Withdrawal

“Definition:

Where a child or young person temporarily moves away, at their choice, from a situation they are finding challenging to a place where they have a better chance of regulating their emotions and behaviour. The child or young person is free to leave the space they have moved to.

- A pupil-led withdrawal can be reactive, in response to an unexpected situation, or part of a planned approach.
- The child or young person’s wishes must be taken into account and, where possible, accommodated.
- The child or young person may have previously agreed safe spaces they can withdraw to in their support plan. This could be any safe and comfortable space (indoors or out) on the school campus.
- For some children and young people, a physical activity, such as a walk, may be more beneficial than a calm space.
- Any planned use of pupil-led withdrawal must be fully documented as an integrated part of any support plan, describing the reasons and likely situations arising for its use. All staff working with the child or young person should be made aware of the relevant details.
- The child or young person and their family should be active participants in planning the use of pupil-led withdrawal.
- A risk assessment may be required to determine whether pupil-led withdrawal is a safe approach for the individual child or young person, should this become a recognised support. For example, this may not be a suitable option for a child or young person who is prone to running away.²⁴

Staff-Led Withdrawal

Definition

Working with a child or young person to move away from a situation they are finding challenging to a place where they have a better chance of regulating their emotions and behaviour. The child or young person is free to leave the space they have moved to.

Considerations for using staff-led withdrawal:

²⁴ Physical intervention in schools - a relationships and rights based approach: guidance. *Co-regulation and de-escalation: Alternatives to restraint and seclusion*

- The space a child or young person moves to may allow them to undertake an activity that would help them regulate their emotions and behaviour. Both the space and the activity may form part of an agreed support plan.
- Although initiated by staff, staff-led withdrawal involves seeking the consent, whether communicated verbally or non-verbally, of the child or young person as part of a co-regulation approach. The child or young person may become responsive when they are engaged and able to participate in the decision to move to another location or space.
- Staff-led withdrawal can be used in response to an unexpected situation, or as part of an agreed approach in a child or young person's support plan.
- If a child or young person does not consent to withdraw to another location, or to remain temporarily separated from their peers, and a high-risk of injury to themselves or others remains, staff will need to re-consider the least restrictive options available. This may include considering whether the use of a restraint is necessary.
- In some circumstances, where there is a risk of injury, it may be more appropriate to ask other children and young people to leave the immediate area or the learning environment so that it is less stressful for the distressed child or young person.
- Staff led withdrawal should be recorded to enable monitoring, post incident reviews and inform any future planning.

Safeguards for using (CYP and staff-led) withdrawal:

- To reduce any negative impacts on a child or young person's learning, and the learning of others, withdrawal should only be used for the shortest possible time and end when they have regulated their emotions and behaviour.
- Staff planning and facilitating a withdrawal should be supported to be trauma-informed and trauma-responsive.
- The most effective way to monitor and support a distressed child or young person is often to be in the same room with them. There are however exceptions to this. For example, if a child or young person asks to be left alone or if the proximity of another person is clearly distressing them, it might be more effective to allow them space to themselves.
- If the staff member responsible for the child or young person is not able to physically be in the room with them, they must immediately alert a relevant member of staff to monitor the situation and offer immediate reassurance and support.
- The child or young person must be free to leave the space or room when they wish, otherwise this would be categorised as seclusion.
- Any room or area that might be used should be risk assessed to ensure it is safe, dignified and comfortable and would help co-regulation of the child or young person's emotions and behaviour, and not add to stress levels.
- Any planned use of withdrawal must be fully documented as an integrated part of any support plan, describing the reasons and likely situations arising for use. All staff working with the child or young person should be made aware of the relevant details.
- The unplanned use of withdrawal should trigger a review of the child or young person's support. In particular, whether a support plan needs to be put in place and if any preventative approaches could be effective in avoiding distressed behaviour from occurring.
- The child or young person should be supported to return to their class, once they are feeling composed, safe and ready.

- Where the use of withdrawal is used frequently, it is important to review its effectiveness on a regular basis.

Reflective questions may include:

- Does this approach offer a lower level of intrusion?
- Does it help the child or young person to calm more effectively than other strategies?
- Does it offer improved safety for those around?”²⁵

Part Two: East Lothian Council’s Tools For Planning And Providing For Additional Support Needs Specific To Additional And Targeted Levels.

Planning for Coregulation and De-escalation

Children and young people, parent carers and staff should be actively involved in agreeing appropriate coregulation approaches.

The least restrictive approach to supporting a child whose stress levels are rising is coregulation strategies and where a conflict arises and coregulation is not possible, de-escalation.

These approaches should always be the first approach.

Where the likelihood of these being required as an ongoing support, the [Child’s Plan Framework](#)²⁶ should be adopted and the agreed coregulation and de-escalation approaches should be recorded in a [Positive Support Plan](#). (PSP) and Inclusion and Wellbeing Risk Assessment.

All staff working with the child or young person or likely to come in contact with them e.g. support staff, breaktimes, school-based club, vertical grouping, supply teacher etc. should be made aware of the approaches to ensure consistent support.

They may be used as agreed in a Positive Support Plan, *but also in the instances when unplanned distressed behaviour occurs.*

²⁵ Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools

²⁶ See ‘Included, Engaged & Involved: Identifying, [Assessing and Providing for Additional Support Needs of Children and Young People Policy](#)’ for full details of Child’s Planning Framework

Child's Planning Framework Documents²⁷

These plans provide ALL staff working with the child or young person with the personalised knowledge to assist them in preventing or minimising likelihood of escalation to crisis phase.

It encourages the child or young person, parents and professionals to:

- develop joint commitments to achieving shared and agreed outcomes;
- enable children and young people to have a better understanding of the purposes and outcomes of the activities they do in school;
- enables parents to develop their understanding of how staff in school are working with their child and
- ensures that members of the school team identify and own their responsibilities to the child or young person.

All interventions should be underpinned by robust assessment detailed in the relevant Child's Planning Framework documentation. These are in direct response to a clear articulation of needs and implementation of evidence-based approaches.

Note:

Where a child or young person has developed a strong and trusted relationship with a particular member of staff (and if possible, a substitute supporter,) they should be included in any support plan.

Due regard should be given to the impact that the absence of the trusted adult(s) may have on the child or young person. For children and young people who are at risk of significant distress planning should detail a small number of adults that the child or young person feels safe with to reduce dependency on one person.

²⁷ See [Included, Engaged & Involved: Identifying, Assessing and Providing for Additional Support Needs of Children and Young People Policy](#) for full details of Child's Plan and Individualised Education Plan

Child and Young Person's Wellbeing Assessment

Criteria for Child and Young Person's Wellbeing Assessment

A CYP Wellbeing Assessment should be considered when:

Previous interventions at the Universal level have not resolved the wellbeing concerns.

Further assessment and interventions are required from an agency/agencies out with education and there is a need to co-ordinate the planning.

A multi-agency response is in place.

[Further information and link to document](#)

Positive Support Plan (PSP)

Criteria for a PSP

A Positive Support Plan should be considered when:

a child or young person has previously exhibited distressed behaviour which requires to be carefully managed by staff.

Duty to create a PSP:

In all situations where an incident with a child or young person has required the use of physical intervention, school staff have duty to plan for the possibility of the behaviour recurring and should in all circumstances develop or update a Positive Support Plan.

The Positive Support Plan aims to provide all staff, including supply or new staff working with a child or young person, with sufficient knowledge to assist them in reducing the risk of behaviours escalating to crisis point.

A Positive Support Plan is developed to support all staff working with the child or young person.

The plan should be developed in consultation with the child or young person, parents and any involved partnership agencies. It should take into account the combined knowledge of the child or young person and any specific factors which may need to be considered e.g. sensory issues, medical diagnoses.

[Positive Support Plans Documentation](#)

Parents and eligible children should then give their agreement to the plan and receive a copy. This is particularly important when there is any element of physical intervention contained within the plan.

(See [Included, Engaged & Involved: Record Keeping and Information Storage](#).)

Individualised Education Plan (IEP)

The IEP is used for children and young people who require modifications to the curriculum to allow them to access learning opportunities.

It is put in place when:

- A child or young person's needs have been assessed, usually as part of the Child's planning framework, and a plan is needed to individualise some or all of their curriculum.

The IEP is a framework for all of those directly involved to work together to agree, pursue and then review appropriate targets in relation to the areas of the curriculum which need to be individualised for the child or young person.

[IEP Documentation](#)

School Health Care Plan

Consideration should be given to how a healthcare need may have a bearing on any instances of increased likelihood of anxiety or distress. There may be relevant healthcare considerations which have a relevance in other planning such as a Positive Support Plan or Inclusion and Wellbeing Risk assessment.

If [mechanical restraint](#) is required reference should be made within the Health Care Plan.

Inclusion And Wellbeing Risk Assessment

Criteria for Inclusion and Wellbeing Risk Assessment

An Inclusion and Wellbeing Risk Assessment can be used to identify supports and mitigations required for individual children and young people and aims to reduce the risk of harmful behaviours.

The use of the Resilience Matrix allows school staff, child, young person and their family to take the strengths and challenges identified from gathering information using the My World Triangle, (along with any specialist assessments) and to consider that information within the four headings of:

- Resilience
- Vulnerability
- Adversity and the
- Protective environment

“Evidence shows that a resilience approach should look beyond individual coping characteristics and should focus on changing environmental hazards and stressors, as well as enhancing individual, family and services responses and support.”²⁸

This assessment collates information from numerous sources, and this facilitates further careful analysis, reflection and interpretation. This process is critical to informing the content of the sections the ‘Conclusions’ and ‘Next Steps Plan’

[Inclusion and Wellbeing Risk Assessment](#)

See Appendix i:

[Completion Guidance And Advice Note](#)

²⁸ Getting it right for every child – Practice Guidance 1 – Using the National Practice Model – 2022

Co-ordinated Support Plan

A Co-ordinated Support Plan (CSP) is a statutory plan to help identification and ensure provision of services for children or young people, whose additional support needs

- arise from complex, or multiple factors
- which have a significant adverse effect on their school education and
- are likely to last at least a year, and which require support to be provided by an education authority and at least one other non-education service or agency.

Further information, guidance and documentation:

EduHub: [Included, Engaged & Involved: Identifying, Assessing and Providing for Additional Support Needs of Children and Young People Policy](#)

GIRFEC Site: [Coordinated Support Plans](#)

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Record Keeping Requirements

- *All plans and documents should be saved in the child or young person's **Inclusion and Wellbeing File**.*
- *Details of creation, amendments, updates, reviews etc. should be recorded in SEEMiS/ Pastoral Notes/Latest Significant Events*

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In Summary: Additional And Targeted

<p>Additional</p>	<p>A higher level of intervention required over a sustained period. Often requiring support from other agencies out-with Education Services.</p> <p>Detailed planning required and may be recorded in a positive support plan.</p> <p>As and when coordination of support is required a child's planning meeting will be held and the outcome recorded on a Child's Plan.</p>	<ul style="list-style-type: none"> • Coregulation and de-escalation strategies • Children and Young Person's Minute and Action Plan • Positive Support Plan • Children and Young Person's Wellbeing Assessment • Individualised Education Plan • Inclusion and Wellbeing Risk Assessment • CIRCLE Participation Scale (CPS) • Child Planning Framework Locality Team • Educational Psychology Service • Single Point of Access • Other relevant partner agencies e.g. SALT
<p>Targeted</p>	<p>Children and young people with significant and continuing level of need requiring multi-agency support e.g. attends a specialist provision</p>	<ul style="list-style-type: none"> • Coregulation and de-escalation strategies • Children and Young Person's Minute and Action Plan • Positive Support Plan • Children and Young Person's Wellbeing Assessment • Individualised Education Plan • Inclusion and Wellbeing Risk Assessment • CIRCLE Participation Scale (CPS) • Educational Psychology Service • Single Point of Access • Other relevant partner agencies e.g. CAMHS • Multiagency Support • Coordinated Support Plan

4

Section 4:

Physical Intervention, Restraint And Seclusion

Whilst this policy primarily focusses on prevention, the next two sections provide guidance for staff working in East Lothian Council to intervene and support appropriately if the need arises.

It is a relationships-based approach which complies with associated legislative duties and ensures that all children and young people in East Lothian schools learn in environments where they are “protected, cared for and in which their rights are respected.”²⁹

“Children with communication difficulties, learning disabilities, autistic spectrum conditions and mental health difficulties are especially vulnerable to inappropriate use of restraint in education, health and social care settings. Wherever possible use of restraint should be avoided.”³⁰

The UNCRC forms the basis of our national approach for supporting children, Getting it right for every child (GIRFEC).

Under the 2024 Act, the use of restraint and seclusion on children and young people have significant implications for their rights.



Article 19: Protection from violence abuse and neglect.



Article 37: inhumane treatment and detention



Article 39: Recovery from trauma and reintegration

²⁹ **Included, Engaged and Involved 3:** A Relationships and Rights-based Approach to Physical Intervention in Schools

³⁰ National Guidance for Child Protection in Scotland 2021 - updated 2023

To avoid a breach of a child's rights, any use of restraint must be **lawful, necessary and proportionate.**

Restraint, if used inappropriately, excessively or harmfully, could result in a charge of assault being brought.

"Staff should only use restraint techniques for which they have received training and can demonstrate competence."

Safeguarding:

Agency protocols must support proactive, preventative, non-restrictive responses to distressed and challenging behaviour. This begins with forming an understanding of the needs behind the behaviours and forming strategies with each individual child to protect their safety and rights, and those of others involved.

National Guidance for Child Protection in Scotland 2021 – updated 2023

[East Lothian Child Protection and Safeguarding Policy](#)

Schools should follow [East Lothian Child Protection and Safeguarding Policy](#)

without delay in the following circumstances:

- if a child or young person has been physically injured or is considered to have suffered significant harm as a result of restraint or seclusion;
- if there is a concern that an offence may have been committed by a member of staff towards a child or young person arising from the use of restraint or seclusion;³¹
- when a child or young person, their parents or carers raise safety and wellbeing concerns following the use, or repeated use, of restraint or seclusion*.³²

³¹ Child Protection and Safeguarding Policy Appendix 5

³² Child Protection and Safeguarding Policy Appendix 6

Child Protection Allegations Against Staff

Child Protection allegations towards children and young people by staff should be reported to the DMS immediately who will follow the procedures as per [Interagency_Child_Protection_Procedures_-_Edinburgh__the_Lothians_Oct_2015.pdf](#) (emppc.org.uk) .

The following is expected in responding to an allegation against a member of staff:

- the DMS gathers the relevant information in relation to the allegation, using the same open questioning used for children and young people.
- As per the Interagency Procedures, the allegation must be reported to one of the core agencies immediately. Where appropriate, DMS will liaise with the HT and the Head of Education, after the core agencies have been notified;
- visiting staff (e.g. EL Works, Outreach Team, Instrumental Music Specialist) should always inform the DMS in the school they are working of any issues related to staff conduct);
- DMS and the SLT should ensure that the member of staff is appropriately supported and consider informing their line manager if further support may be required following an incident;
- the Head Teacher or DMS should prioritise the protection of the child or young person by taking immediate steps to remove contact between the staff member and the child or young person. This is important to ensure the welfare of the staff member, as well as ensuring the wellbeing of the child or young person. The member of staff may be given other duties within the setting or a home working directive;
- if the allegation concerns a member of supply staff, the principal officer for staffing must be informed **after** the core agencies have been informed, so that appropriate steps can be taken to remove them from working with children and young people until the core agencies has made a key decision;
- if the allegation concerns the DMS, the staff member whom the allegation has been disclosed to, should gather the relevant information and report directly to the other DMS in the first instance. If they are not available the Head of Education and if they are not available one of the core agencies immediately;
- the staff member subject of the allegation **will not be** interviewed concerning the matter prior to a decision being made at inter-agency referral discussion, as to whether the matter warrants a Child Protection investigation;
- in all circumstances of staff allegations, the police investigation and inter-agency referral discussion must be concluded before an education investigation may be undertaken and
- further advice should be sought from HR regarding next steps to ensure ELC policies are followed, and safeguarding processes are in place for the member of staff.

Children and young people and their parents or carers can also initiate a child protection referral by:

- Informing school staff that they believe they/their child has been mistreated. This can be done at any point following the use of restraint or seclusion. Staff must then make a child protection referral or

- Make a complaint to the police about the use of restraint or seclusion.

The [National Guidance for Child Protection in Scotland](#) details the process that should be followed along with the information that should be recorded and provided to Social Work or Police Scotland. Information on initiating child protection procedures can be found in Part 3 of the Child Protection Policy.

This guidance also discusses child protection issues arising from the use of restraint.

Child protection procedures will be initiated when police, social work or health determine that a child may have been significantly harmed or may be at risk of significant harm.

The child protection investigation will include any suspected offences by a member of staff towards a child or young person arising from the use of restraint or seclusion.

Any injuries to a child or young person following the use of restraint or seclusion should also be investigated under agreed local disciplinary procedures.

Headteachers must follow East Lothian Council policy for disciplinary procedures while a child protection investigation is ongoing.

Allegations may be made against members of staff currently involved with children, but may also be made against staff who are no longer involved in the provision of services. In all circumstances, the matter must be treated seriously, and the response must be prompt. All allegations against staff must be dealt with transparently, but with considerable sensitivity to the management of information.

Advice should be sought from HR if there are concerns around contractors, escorts or other staff who may be indirectly employed by East Lothian Council.

Whistleblowing

If any employee is seen to behave inappropriately with a child or young person, it is important that it is not ignored.

If any action witnessed is believed to be:

- A danger to the health and safety of any individual
- A criminal offence
- A failure to comply with any legal obligation

MUST be reported.

If there is a concern about the immediate safety of a child or young person, then Child Protection procedures should be followed.

Staff must report any concerns to the **Headteacher or the Designated Member of Staff (DMS)** in school immediately who in turn should follow the process detailed in East Lothian Council's Child Protection and Safeguarding Policy.

[See East Lothian's Policy for further guidance.](#)



Physical Intervention

Physical contact carried out with the purpose of providing support to or preventing the actions of a child or young person.

Physical intervention includes a wide range of practices which include non-restrictive support to restraint, which has significant human rights and wellbeing implications.

Physical intervention can be used in a variety of ways e.g.

- A strategy agreed in a support plan
- Decisions taken following a dynamic risk assessment in an emergency.

Non-Restrictive Physical Intervention

Physical contact between a member of staff and a child or young person for the purpose of:

- Education
- Communication
- Providing aid
- Reassurance or comfort

Where there is no element of restraint is considered as non-restrictive physical intervention.

Examples:

- Giving a young child a hug if they are upset
- A helping hand if they have fallen over or are crossing a road
- Physical contact may also be an important part of communicating with children with complex speech and language communication needs.

All contact must be in line with the principles of safeguarding and child protection.

Their use does not need to be recorded.

Important considerations:

The level and form of contact may be determined by a risk assessment of the child or young person's education or wellbeing needs

Some children and young people may find physical contact with others as an additional and unnecessary cause of stress.

This contact would not require any follow up action or recording **unless:**

- wellbeing concerns are notified;
- first aid is required or
- there are any safeguarding or child protection concerns.

Restraint

An act carried out with the purpose of restricting a child or young person's movement, liberty and/or freedom to act independently.

There are many different types of restraint, (sometimes referred to as restrictive practice.)

It can involve:

- Physical contact e.g. **physical and mechanical restraint** and
- Acts such as **seclusion**.

Considerations And Safeguards For Using Any Form Of Restraint

The following provides examples of restraint most likely to be used in an educational setting. It is not an exhaustive list.

Should there be any doubt as to whether an act/approach is restraint then the following should be considered:

Any act which restricts a child or young person's freedom to move or act could fall within the definition of restraint.

Where staff have identified a possible restraint, its use should be reviewed in line with the advice in this guidance.

All the following general considerations must be satisfied in the event of restraint being used:

- "Restraint should only be used to avert immediate risk of physical injury to any person³³ where no less restrictive alternatives are viable. This reflects the principle of last resort.
- Restraint must never be used as a form of punishment or as a means of securing a child or young person's compliance.
- Education providers should be actively taking measures to minimise the use of restraint on all children and young people, eliminate its misuse and use for reasons relating to disability.

³³ Advice on managing incidents involving weapons is provided in Included, engaged and involved part 2: preventing and managing school p 1 Foreword: Jenny Gilruth MSP

- The use of restraint for reasons relating to a child or young person’s disability without evidence of reasonable adjustments being made is unlikely to be considered an appropriate response to distressed behaviour.”

General Safeguards For Using Any Form Of Restraint.

- Restraint should only be used by staff who have been appropriately trained in its safe use (except in emergency situations where no trained staff are available).
- A risk assessment should always take place. This should consider:
 - the best interests of the child or young person;
 - the risk of injury posed to the child or young person and to others;
 - the age of the child or young person, physical health, additional support needs, disability and any known experience of trauma;
 - the least restrictive response available and all viable alternatives including co-regulation, de-escalation and the option of not intervening.
- Restraint should only be used for the shortest time necessary and in the least restrictive manner possible.
 - The method, severity and duration of restraint must be proportionate to the risk of injury posed.
- Every effort should be taken to protect the dignity of the child or young person being restrained, including taking account of their wishes and preferences.
- Where possible, an adult witness (someone not involved in applying the restraint) should be present to monitor the wellbeing and risk of injury to the child or young person during the use of restraint, while ensuring the minimum number of staff attend that can safely support the child or young person.
- During the restraint, every effort should be taken to convey a strong sense of care and concern. Verbal and visual stimuli should be minimised. Increased verbal communication should only be initiated when the child or young person is once again emotionally able to engage. Following the use of restraint, the steps in the post-incident support and review section should be followed.”³⁴

³⁴ Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools

Physical Restraint

Definition:

The use of direct physical force to restrict freedom of movement.

“In addition to the [general considerations for using any restraint](#), the following specific considerations apply to the use of physical restraint:

- Physical restraints vary in severity, use of force and level of restrictiveness.
- Children are developing physically and psychologically, making them particularly vulnerable to harm from physical restraint.

Safeguards for using physical restraint

In addition to the [general safeguards for using any restraint](#), the following specific safeguards apply to the use of physical restraint.

- All physical restraint techniques must be risk assessed before use in school and again on their appropriateness for use on individual children and young people. Assessments should describe the specific risks associated with physical restraint techniques and how these can be minimised. These assessments and any agreed approaches must be shared with all staff who may be required to use them.
- Certain types of physical restraint **must never** be used:

- Holding a child or young person down on the floor, either in a face down (prone) or a face up (supine) position;
- Wrapping their arms across the front of their body (basket holds)
- Holds around the neck;
- Holds that involve the use of pain;
- Hyper extending (i.e, locking out) and/or putting pressure on joints;
- Applying pressure to the torso, chest, neck, abdomen or groin areas; and
- Hyper flexing the person (bending them forward at the torso.)

- All steps should be taken by those applying the physical restraint, and any witness monitoring, to minimise the risk of injury during the physical restraint. This includes only using the minimum number of people for the type of restraint, the minimum necessary force and ending the restraint at the earliest opportunity possible.

- Where it is possible and is safe to do so, no other children and young people should be present when the physical restraint is occurring. For example, where the situation allows, other children and young people may require to be moved to another area where they will be supervised.

Mechanical Restraint

Definition

The use of equipment to restrict freedom of movement.

Many children and young people use equipment provided by health and social care services to support their healthcare needs e.g. postural supports, headrests, wheelchairs and hoists. Where the use of such equipment involves an element of restriction of movement, it's use could be considered a mechanical restraint.

To always ensure the safety and wellbeing of children and young people, all efforts should be made to:

- ensure that the [safeguards highlighted below](#) are in place and
- avoid the misuse of any equipment that could restrict movement.

Seatbelts during motorised travel: used appropriately for their intended purpose during transport, they would **not** be considered a mechanical restraint within the terms of this guidance.

Safeguards For Using Mechanical Restraints

In addition to the general safeguards for using any restraint, the use of any equipment with a restrictive element should:

- be proportionate and non-discriminatory
- form part of the Wellbeing Assessment, Child and Young Person's Minute and Action Plan process, Health Care Plan and be regularly reviewed. This would usually be in collaboration with allied health professionals or other specialists;
- only be used in accordance with its agreed use in a child or young person's support plan, in the safest least restrictive manner and for the shortest time necessary;
- only be used by staff who have been appropriately trained in its safe use;
- be used with the consent of the child or young person, wherever possible always be supervised.
- never be used as a form of punishment, securing compliance or as a response to distressed behaviour;

- be reported, recorded and monitored if its use was unplanned or if it was used for a longer period of time or more frequently than anticipated.

Seclusion

Definition

An act carried out with the purpose of isolating a child or young person, away from other children and young people and staff, in an area in which they are prevented from leaving.

Recognising Seclusion:

Key features of seclusion:

- Where a child or young person has been moved to a space or room against their will (possibly involving a physical restraint).
- The child or young person cannot leave the space in which they have been secluded. This may be because staff are blocking an open door or are in any other way preventing the child or young person from leaving a room or space in which they have been moved to.

Everyday restrictions of movement within a school

When considering practice, it should be acknowledged that in a school context, as in other areas of children's lives, some restrictions of movement are normal and desirable. For example, in the interests of children's safety. Within a school context, these may include restrictions around leaving the school campus, break times and agreed parameters around the unsupervised activity of children.

Other restrictions include the use of high handles on doors or fobs that only staff can open. These types of restrictions are sometimes known as blanket restrictions. They apply equally to all children and young people and should be reviewed and risk assessed on a regular basis to ensure they are only used when necessary. Such restrictions of movement do not amount to seclusion.³⁵

³⁵ Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools

Implications of using seclusion

Seclusion, similar to other types of restraint, places an additional level of temporary restriction on an individual child or young person's freedom of movement. While much will depend on the circumstances of each individual case, the use of seclusion also carries the risk of overstepping the line and depriving a child or young person of their liberty.

There is no legal process for authorising a deprivation of liberty in a school context.

This means that the use of an act which goes beyond a restriction of movement and deprives a child or young person of their liberty would, in that context, not be prescribed by law, and the education provider may be acting unlawfully.

The safeguards listed in this section will help support children and young people and reduce the risk of a deprivation of liberty occurring. However, this risk cannot be mitigated entirely if seclusion is used, and education providers' policies and practices should be informed by appropriate legal advice.

In addition to human rights implications ([outlined in Appendix iv](#)), the use of seclusion can also cause harm to children and young people's health, wellbeing and dignity, particularly when prolonged and or used frequently.

The use of seclusion in schools

SECLUSION IS NOT RECOMMENDED FOR GENERAL USE IN SCHOOLS, EITHER AS PART OF ROUTINE PRACTICE OR AS A "DEFAULT" RESPONSE TO DISTRESSED BEHAVIOUR.

Seclusion should only ever be used in an emergency to avert an immediate risk of injury to a child or young person, or others, where no less restrictive option is viable (i.e. as a last resort). It should end as soon as the immediate risk of injury is reduced.

Where seclusion is used in an emergency, the safeguards outlined below must be in place.

Safeguards for using seclusion

In addition to the general safeguards for using any restraint, the following specific safeguards apply to the use of seclusion.

- Seclusion must only ever be used for the shortest possible time and in the least restrictive manner possible.
- Seclusion **should not form part of any child or young person's support plan.**
- Schools should review current plans and update where necessary to reflect this position.
- Any room or area that might be used should be subject to an immediate risk assessment to ensure it is safe, dignified, comfortable and would minimise the distress that a short period of seclusion would bring.
- All staff should be made aware of the alternative, less restrictive approaches that should be considered ahead of seclusion.
- Every effort should be taken to protect the dignity of the child or young person being secluded.
- As soon as possible, a senior member of staff should also attend to undertake an additional dynamic risk assessment of the incident and the appropriateness of the response.
- If seclusion involves a physical restraint, the safeguards outlined for physical restraint should also be followed.
- **The child or young person must never be left unsupervised.** Wherever possible, staff should remain in the same space as the child or young person to help them regulate their emotions and behaviour to bring the period of seclusion to an end. Staff must be able to see and interact with the child or young person at all times if they are out with the area/room. All efforts should be made to maintain positive communication (as guided by Positive Support Plan if applicable.) There should be continued observation to ensure safety of child or young person.
- As soon as the immediate risk of injury has passed, the child or young person should be free to leave the space they were secluded in and offered support to return to an appropriate space.³⁶

³⁶ Adapted from: Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools

Contact with Police Scotland

Generally, although not exclusively, the Headteacher or a member of the Senior Leadership Team may consider contacting Police Scotland where the school staff are unable to de-escalate or implement strategies to manage a situation.

This may relate to:

- a criminal act taking place or having taken place;
- situation where significant harm is being caused or has been caused to an individual;
- in some situations Police Scotland may be contacted where there is a significant risk of harm to one or more individuals.

The Headteacher will make a judgement whether to call the police based on the presenting factors and the circumstances

Part of this judgement will be based on whether the matter can be dealt with using internal and available strategies.

A Youth Community Officer can be a useful source of support.

Following an incident, an individual staff member or parent may wish to report an incident to Police Scotland directly and independently of the Headteacher or local authority.

5

Section 5:

Post Incident Support And Learning Review

Following any type of restraint, (seclusion, physical and mechanical) post incident support should be offered immediately to the child or young person, staff members and any others involved.

Support should then be followed by a learning review, conducted on another day, but within a prompt timescale.

This process can also be used following any instance of distressed behaviour.

Post Incident Support

Effective post incident support is a crucial step in ensuring the wellbeing of all. It also supports the relational and nurturing approach adopted in schools.

The **immediate support** offered to all which is the beginning of a restorative approach

Purpose

To:

- Respond to any physical injury caused;
- Provide emotional and wellbeing support and;
- Report – SLT and parents and carers.

Following an incident that used restraint or seclusion:

- Immediate health, safety and wellbeing assessment for all involved: child or young person, staff or others;
 - This may be led by witness monitoring the incident or a member of the Senior Leadership Team (SLT.) Everyone should feel safe and know that they will be listened to.
- Where a child or young person, member of staff or anyone else involved has been physically injured or needs medical assistance, this should be sought immediately from first aider or, if appropriate the NHS;

- Any post restraint support identified in the child or young person’s support plan should be followed as soon as possible after the restraint ends and
- If a child or young person has been physically injured or is considered to have suffered significant harm as a result of any form of restraint or seclusion, [child protection procedures](#) should be followed and relevant disciplinary procedures may be enacted.

Also consider the principles of trauma informed practice application:

- ✓ Safety
- ✓ Choice
- ✓ Collaboration
- ✓ Trust and
- ✓ Empowerment

If restraint or seclusion is being used frequently:

- urgent assessment of child or young person’s support needs,
- review of their support plans – including Positive Support Plan and Wellbeing Assessment

The document ‘[Practical Post-incident Support](#)’ produced by the Restraint Reduction Network can be used for information. Although it is designed for professionals in a Health Care setting the advice is both helpful and practical and complements the procedures outlined in this document.

Post-Incident Learning Review

This should take place as soon after the incident as possible. It is a proportionate, factual review – sometimes known as a debrief. Due regard should be taken for the emotional wellbeing of the child or young person and all others involved.

Purpose

To ensure that everyone supporting the child or young person has the opportunity to:

- Examine the factors that led to restraint being used and the decisions taken;
- Establish a timeline;
- Agree actions to support a preventative approach to avoid further incidents of distressed behaviour;
- Examine ways to minimise the impact of the type of restraint used and
- Facilitate less restrictive interventions in the future.

(See [Appendix i](#) for information that is to be recorded post incident)

The Review

The views of the child and young person and staff should be sought, and appropriate participatory supports provided.

Sensitivity as to whether this is possible is required for example where a child or young person's stage of cognitive development would prevent them from participating in a reflective activity.

Any agreed actions from the review or changes in approach should be recorded in the appropriate support plan.

If no support plan is in place, strong consideration should be given to developing one.

Agreed outcomes from the post incident review should be shared with the child or young person, school staff and parents.

It may be difficult to ascertain the reasons why distressed behaviour occurring in one review and that recognising patterns over time is more likely to lead to a better understanding and the identification of more effective, less restrictive interventions in future.

Resolving any disagreements

Every effort should be made to resolve, at as local a level as possible, any disagreements that may arise between children and young people, their parents or carers and the school on the agreed outcomes and support identified in the post incident learning review.

Concerns regarding the use of restraint and seclusion and the handling of a child protection referral can be raised with the school in the first instance. If parents, carers or children and young people are not satisfied that their concerns have been adequately addressed, they can make a complaint through the East Lothian's complaints handling procedure.

A complaint can be made by email, online, by telephone, in writing or in person or by having someone complain on their behalf.

More information on the complaints process can be found on the council's website.

[Complaints Procedure](#)

In the case of a complaint against East Lothian, parents, carers or children and young people who have gone through the local complaints route and are not satisfied with a response can contact the Scottish Public Services Ombudsman who may be able to look at the matter and investigate further.

For further information see: [Included, Engaged & Involved: Identifying, Assessing and Providing for Additional Support Needs of Children and Young People](#). Section 12

See [Enquire](#): advice for parents on working with schools and solving problems

Where concerns around support remain, children (over the age of 12), young people, parents or carers may, where relevant, have access to the dispute resolution mechanisms under the 2004 Act.

The [My Rights, My Say](#) Service supports children and young people aged 12-15 to access their rights under the 2004 Act.

[Let's Talk ASN](#) provides advocacy and legal representation to parents, carers and young people (16+) with a right of reference to the Additional Support Needs Tribunal.

Where a parent or carer believes that their child has been mistreated, regardless of whether there has been a post-incident learning review, this should be referred to child protection processes.

For parent of a child who attends an ELCC there is also a confidential complaint service provided by the Care Inspectorate.

[Care Inspectorate complaint information](#)

Guidance for Child-Led Complaint

Guidance from Scottish Public Services Ombudsman (SPSO) to ensure that all complaints are handled in a manner that respects and promotes children's rights under the United Nations Convention on the Rights of the Child (the UNCRC).

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6

Section 6:

Reporting, Recording and Monitoring

(Restraint and Seclusion)

The use of restraint and seclusion must be in line with the expectations listed in [Section 4](#)

Reporting

Parents of the child or young person who was subject to restraint or seclusion should be notified at the earliest opportunity.

It should be during the school day and exceptionally within 24 hours of the restraint or seclusion where it has not been possible to make contact unless alternative arrangements have been agreed within the Child or Young Person's Minute and Action Plan

The language of reporting.

In line with our right's-based approach any reporting should be:

- ✓ Factual
- ✓ Impartial
- ✓ Non-stigmatising
- ✓ Trauma sensitive/ informed and
- ✓ Describe the child or young person's distress and its impact non-judgmentally

Recording

All staff with access to a computer can record incidents on [SPHERA](#) themselves using the link in the Favourites bar. For staff without computer access then this can be done on their behalf by their line manager or other member of staff with a computer.

For the purposes of this process all incidents should be recorded in a **Young Person Incident Form**

The full Sphera report must be completed within five working days of the restraint or seclusion taking place.

The use of restraint or seclusion in schools and Early Learning and Childcare (ELCC) should be:

- reported to East Lothian Council via Sphera within **two working days**
- and the full report to be **completed within five working days**.

Where a child or young person attends an independent or grant aided special school via a local authority placement, the placing education (host) authority should also receive a copy of the record within five working days.

Where a child or young person has an allocated social worker, the record should also be shared with them.

The child and young person subject to the restraint or seclusion and their parent(s) should **proactively be provided with a copy** of the incident record.

Information should be provided in accordance with data protection and the law.

Please Note: Any incidents involving significant injury to staff e.g. broken bones, stitched cuts etc or where a staff member is off work for 7 days must be notified to the Corporate Health and Safety mailbox HandS@eastlothian.gov.uk

Early Learning And Childcare

All of the above requirements apply.

The Care Inspectorate **does not** require the reporting of restraints or seclusion which occurs **within the educational setting where educational staff are responsible for the child involved**.

Where there is any ambiguity about who the responsible member of staff was at the time of the incident, and what reporting procedure to follow, the school leadership team should confirm this for reporting purposes.

Residential Schools

Advice for residential schools can be found paragraph 89 of [Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools](#).

Post Incident Review Processes:

Update/Co-create Documentation

- ✓ Through cocreation and collaboration update the relevant documents: e.g. Child or Young Person's Minute and Action Plan, Positive Support Plan, Inclusion and Wellbeing Risk Assessment
 - provide details of the agreed preventative approaches and co-regulation and de-escalation strategies to reduce the likelihood of restraint and seclusion to being used again
- ✓ If there is no Child or Young Person's Minute and Action Plan, consideration **must** be given to developing one or to other plans such as a Positive Support Plan, Inclusion and Wellbeing Risk Assessment

Monitoring

Regular monitoring and reporting at all levels is required to ensure this policy is fully implemented.

Key responsibilities:

Effective monitoring relies on high quality, accurate information that can be analysed and responded to. All East Lothian Council education staff have both individual and collective responsibilities to ensure that we achieve the aims set out in the introduction.

School and Service Level

	Training	Incident Responses and Reporting
Headteachers and Senior Leadership Teams	<ul style="list-style-type: none"> • Maintain accurate and up to date records of all relevant formal training required in de-escalation and crisis intervention including relevant theory and associated physical skills. • Ensure proportionate and relevant information sharing of agreed supports, strategies and interventions as detailed in the Child Planning Framework. 	<ul style="list-style-type: none"> • Oversee Post Incident Learning Reviews and close investigations within SPHERA when this is completed. • Quality assure SPHERA Reporting module of Incidents to determine trends/patterns/themes to inform response* e.g. training, identification of best practice etc • Quality assure Child's Planning Framework documentation.

All staff	<ul style="list-style-type: none"> • Have knowledge for individual children and young people as detailed in the Child Planning Framework: supports, strategies and interventions. • Undertake appropriate ongoing professional learning that encourages a high level of reflective practice, analysis and self-evaluation. • Where additional training is required to support at additional or targeted level maintain an appropriate level of competence and must continue practising these techniques. Reaccredit within the given timescales. 	<ul style="list-style-type: none"> • Accurately report and record any incident of restraint or seclusion as outlined in this guidance
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How Good Is Our School? 4th Edition

2.1 SAFEGUARDING AND CHILD PROTECTION

Themes:

- Arrangements for safeguarding, including child protection
- Arrangements to ensure wellbeing
- National guidance and legislation

3.1 ENSURING WELLBEING, EQUALITY AND INCLUSION

Themes:

- Wellbeing
- Fulfilment of statutory duties
- Inclusion and equality

Schools should make arrangements within Quality Assurance procedures to regularly review effective practice and processes and analyse occurrences of and response to distressed behaviour.

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Authority Level

	Training	Incident Responses and Reporting
East Lothian Council	<ul style="list-style-type: none">• Maintain an overview of accredited East Lothian staff who have a RRN certified training	<ul style="list-style-type: none">• where required, support in Risk Assessment processes as advised by Health and Safety Executive• Quality assurance of incidents in collaboration with school colleagues.

Duty Of Care: Health And Safety Considerations

Health and safety legislation requires Head Teachers are responsible for ensuring that appropriate risk assessments are in place.

As part of the post incident learning process there may be a need identified where a health and safety risk assessment specific to a staff member is required.

The usual process for creating this risk assessment should be undertaken and created in the confidential area of the risk assessment module within Sphera.

See [Health and Safety at Work](#) for further information

Reporting Of Injuries, Diseases And Dangerous Occurrences Regulations 2013 (RIDDOR)

RIDDOR requires employers and those in control of work premises to report certain serious workplace accidents and specified dangerous occurrences. RIDDOR requires accidents to be reported if they happen 'out of or in connection with work'.

Injuries arising from restraint or seclusion could therefore be reportable under RIDDOR.

In addition to those specified, injuries to employees must be reported where they result in an employee being away from work, or unable to perform their normal work duties, for more than seven consecutive days as the result of their injury.

This seven-day period does not include the day of the incident but does include weekends and rest days.

The report must be made within 15 days of the incident happening. Injuries to children and young people (and other non-workers) are reportable if the injured person is taken from the scene of the

accident to hospital and receives treatment for the injury. 'Treatment' does not include examination or diagnostic tests or being taken to hospital as a precaution.

For further guidance see 'Incident reporting in schools (accidents, diseases and dangerous occurrences): Guidance for employers'.

Injuries must also be recorded, but not reported, where they result in a worker being incapacitated for more than three consecutive days. For education providers, who must keep an accident book under the Social Security (Claims and Payments) Regulations 1979, that record will be enough. However, it is recognised that education authorities may require reporting to occur to ensure risk assessments can be conducted and appropriate risk mitigations adopted.³⁷

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³⁷ Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools

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Section 7:

Staff Wellbeing, Training And Professional Learning

‘Effective empowerment of staff and partners with due regard to wellbeing and positive relationships is a key feature of a successful professional team.’³⁸

Staff Wellbeing

East Lothian Council Employee Charter is an informal agreement which recognises the part everyone has to play in continuing to make East Lothian a better place to live, work and do business



It sets out eight commitments from East Lothian Council as an employer, to care for and to support employees to learn and grow.

They are matched by nine commitments for council staff to support employees achieve their full potential and take pride in working for the council.

[Employee Charter](#)

³⁸ HGIOS? 4 QI 1.4 Management of Staff

Accessing Support and Guidance



‘Our learning environments recognise and support the mental health and wellbeing of everyone in the school community.’

Relationships Sail

In conjunction with a school’s own vision and values, [the East Lothian Way](#) will inform the ethos and culture within the school and lead to all schools having in place well understood approaches, processes and procedures for effective pastoral support and staff wellbeing.

These should be agreed and detailed within the individual school’s relationships guidance/statement.

The preventative approach is outlined in sections one to three of this guidance. The practice and processes which are detailed attempt to eliminate/reduce as far as possible the likelihood of distressed behaviour which challenges and any adverse effects of a seclusion or restraint for any staff involved or witness to an incident(s).

It is however recognised that there may be instances where further support for education staff is required. East Lothian Council recognises the importance of employee health and wellbeing.

*“Recognise your commitment, dedication and hard work
Care for your health, safety and wellbeing”*

East Lothian Employee Charter

In the first instance schools should as part of their Positive Relationships statement identify local supports and systems for accessing advice and support.

In addition to these, a range of resources and supports provided by or signposted to are available via East Lothian Council.

Resources To Support Staff Wellbeing

<u>The Cycle of Wellbeing</u>	The 'Cycle of Wellbeing' draws together a wide range of national guidance and resources published to support the wellbeing of staff and children and young people.
<u>Listening Ear</u>	Listening ears are council colleagues who have volunteered to chat with you about your concerns. They are not qualified counsellors but they are very good listeners. They understand the culture, policies and ways of working in East Lothian and can help you feel less alone.
<u>CWIC East Lothian Mental Health Service</u>	There is now a quicker way to access a wide range of Mental Health Specialists. CWIC Mental Health is a primary care service for people in East Lothian aged over 17 years and 9 months. We work closely with GP practices, Adult Mental Health services and local third sector services to help you get the right support for your needs.
<u>Healthy Working Lives</u>	Including: Getting Help and Support
<u>LET'S CHAT?</u>	Talking about Mental Health in the Workplace
<u>Employee Assistance Programme (EAP)</u>	Line managers can make a referral to EAP
<u>Eastspace</u>	East Lothian's online source of mental health and wellbeing info
<u>National Wellbeing Hub</u>	"There's a lot of power in the words" ³⁹ Designed for staff working in Health and Social Care settings in Scotland but has a range of help and advice that are applicable to any workplace. Psychologically Safe Workplaces: <u>Top tips for Supporting your peers</u>
<u>Excellence in Headship</u>	Supporting the health and wellbeing of headteachers
<u>Learn Pro</u>	<ul style="list-style-type: none"> • Person Centred Practice: Psychological First Aid (PFA) Taking Care of Yourself • Person Centred Practice: PFA- Wellbeing of Teams for Managers • Personal Resilience Part 1 and Part 2
<u>Watch and Go:</u> <i>updated monthly</i>	Videos on different topics about personal development and management skills and podcasts on a variety of topics to do with work and wellbeing

³⁹ [National Wellbeing Hub, Looking out for Each Other](#)

	e.g. Culture & Wellbeing - Being the best for your organisation: Building a Place you want to work
NHS Education for Scotland	Wellbeing Planning Tool Animation and NES Wellbeing Planning Tool

Training And Professional Learning

The guidance promotes that all staff undertake, 'appropriate ongoing professional learning that encourages a high level of reflective practice, analysis and self-evaluation.'

East Lothian staff have high levels of knowledge in a range of areas such as Nurture Principles, Trauma Informed Practice, understanding of neurodiversity and safe handling of children and young people with complex additional support needs.

To ensure consistent implementation of this guidance it is important that continued professional learning is undertaken.

As well as school and authority level learning opportunities it is everyone's responsibility to identify and complete appropriate professional learning which meets the needs of children and young people.

This may be to increase or enhance skills and knowledge in a range of contexts e.g.

- support for children and young people with neurodivergence, including autism and learning disabilities.
- trauma-informed and nurturing approaches.
- promoting positive relationships and behaviour
- the use of co-regulation, de-escalation and pupil and staff-led withdrawal.
- recording systems.

Professional Learning To Support Children And Young People At Additional And Targeted Levels

East Lothian staff should be supported to exercise the duty of care responsibilities towards children and young people.

A range of training needs at skilled/specialist level may be identified in response to the meeting needs within Child's Planning Framework, Professional Review and Development or Quality Assurance and monitoring processes.

"It is not expected that a large number of staff within an education establishment would require restraint training. However, where a health and safety risk assessment indicates restraint as a foreseeable possibility, consideration should be given to training an appropriate number of staff."⁴⁰

East Lothian Council will ensure that a suitable provider of training is accessible to staff. The provider will comply with the [Restraint Reduction Network \(RRN\)](#) training standards and be certified by Bild ACT

(Bild Association of Certified Training (ACT) are licensed by the Restraint Reduction Network (RRN) to certify training services as complying with the RRN Training Standards.)

See also [Appendix ix](#) for link to further learning.

Restraint Techniques:

"Staff should only use restraint techniques for which they have received training and can demonstrate competence."⁴¹

A record of staff trained, the scope of that training and participation in regular updates, refreshers and renewals which are compliant with the training providers requirements, should be maintained.

If it is deemed appropriate that staff are to be trained, a **minimum of two people** must undertake the training. In the first instance contact the school's link Education Support Officer to discuss.

⁴⁰[Included Engaged and Involved 3](#)

⁴¹ Reducing the Need for Restraint and Restrictive Intervention HM Government, June 2019

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Section 8: Appendices

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Appendix i: Completion Guidance And Advice Notes

'Risk assessment processes concerning a particular child's behaviour are not required, or appropriate, in all circumstances. They should only be applied in situations where there is a foreseeable risk of harm occurring or a pattern of behaviour that causes, or is likely to cause, harm to self or others.'⁴²

Risk assessments are appropriate when a child's behaviour poses a risk to others or a risk to themselves.

- ✓ Be collaborative. This includes participation of the child or young person and discussing risk with and them being active participants in planning to manage and reduce that risk.
 - Other services such as social work, police, or third sector organisations may also be asked for advice and/or support when completing health and safety risk assessments
- ✓ It is a supporting document within the Child's Planning Framework at the Additional level.
- ✓ The language used to complete all Child Planning Framework documents should always be neutral and objective.⁴³
- ✓ 'Any plan for risk reduction should link to the plan around how the child's social, developmental, and psychological needs can most appropriately be met in a way that is safe for all in line with the principles of GIRFEC and child protection.'
- ✓ It should be evidence-based. This supports:
 - Prevention or reduction in the likelihood of any further incidences, and to reduce the severity should any incident occur;
 - The understanding of violent, aggressive, and dangerous behaviour and facilitate planning/developing control measures that could reduce the likelihood of it re-occurring, and severity if it does.

⁴² Risk Assessments for Violent, Aggressive and Dangerous Behaviour Guidance for local authorities and educational settings

⁴³ It should be noted that recording and reporting systems may form a part of a child's educational record and can be requested by the child's parent under the Pupils' Educational Records (Scotland) Regulations 2003.41 Alternatively, a child or their family (where appropriate) can make a subject access request; at the time, or in future. It is therefore important that the language used in reporting is factual and accurate with regards to the circumstances of the incident and any unsubstantiated personal opinions or inferences avoided: Risk Assessments for Violent, Aggressive and Dangerous Behaviour Guidance for local authorities and educational settings. Page 15

- ✓ Shared*. All relevant staff who may be likely to engage with the child or young person should have a secure working knowledge of the agreed mitigations and responses.

*As with any risk assessment, any school staff who feels risk assessments are inadequate, or inappropriate, should raise this directly with their Senior Leadership Team.

Employees contributing to a risk assessment concerning children's behaviour can also consult their trade union/health and safety representatives as well as the responsible person or team involved in providing education and care for the child.

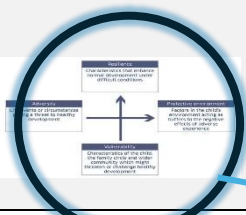
Transition And Access To/Attendance At Other Educational Settings:

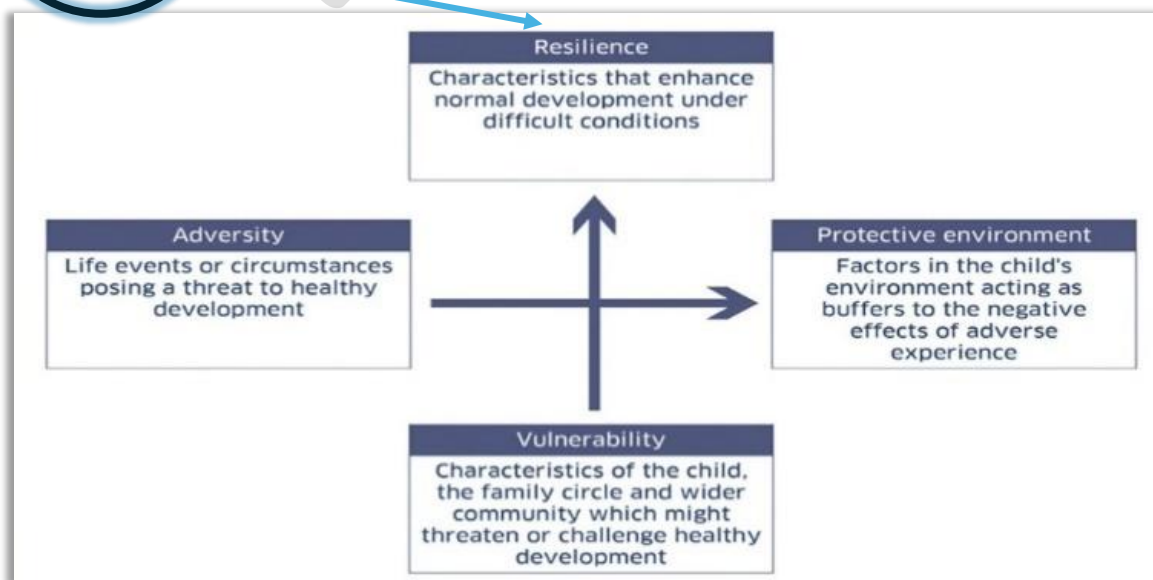
When a child or young person with a history of behaviour that could cause harm transfers between educational settings, the settings involved should liaise to ensure that relevant educational records are shared.

A new risk assessment should then be completed for the new setting.

Inclusion and Wellbeing Risk Assessment: Completion Guidance

<p>Incident History – number and severity</p> <p>Provide brief details of relevant referrals, Sphera records, pastoral notes, bullying log etc.</p>	<p>These sections collate the relevant background information and provide an overview which can then be viewed through the lens of understanding the factors which have given rise to the need to develop specific mitigations to reduce frequency of incidents resulting in harm.</p> <p>It provides information which is valuable in recognising patterns or recurring themes – both strengths and challenges. It detail what planning is available and details the team around the child.</p> <p><i><u>Mechanical Restraint:</u> If required details should be within <u>Health Care Plan</u> and reference made to it within <u>Inclusion and Wellbeing Risk Assessment</u></i></p>
<p>Exclusion History – date, number and duration</p>	
<p>Documents e.g. CYP Wellbeing Assessment, Child / Young Person’s Minute and Action Plan, IEP, CSP, PSP etc.</p>	
<p>Does the Child or Young Person have a Contact Plan?</p> <p>Yes / No</p> <p>Provide Details.</p>	
<p>Dates of Child Planning Meetings</p>	
<p>Professionals involved eg Social Work, Educational Psychologist, Police</p>	

<p>Trigger for completion of risk assessment</p> <p>Why does this child / young person need a risk assessment? It may be useful to consider the resilience matrix.</p> 	<p>Using the evidence from the first section and the trigger the resilience matrix will support:</p> <ul style="list-style-type: none"> • Identified challenges or difficulties • Possible explanation(s) as to why these have arisen • Increased understanding of the impact of strengths and pressures on an individual child or young person • Further consideration of the needs of the child and young person • Consideration of how these needs relate to the child or young person’s rights
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Behaviour	Likelihood of repetition	Level of harm and to whom (physical and non-physical)	Current measures in place	Additional measures

Conclusions –		
Safety of Young Person	Safety of Peers	Safety of Adults
<ul style="list-style-type: none"> Additional measures required to keep young Person safe (Yes / No) 	<ul style="list-style-type: none"> Additional measure required to keep peers safe (Yes / No) 	<ul style="list-style-type: none"> Additional measures required to keep adults safe (Yes / No)

<p>Next Steps Plan (Details educational planning. Include details designed to support attainment, achievement and wellbeing,)</p>	<p>The plan should provide sufficient detail which has been agreed by all.</p> <p>Aim: To support the team around the child or young person to:</p> <ul style="list-style-type: none"> discuss and agree with what supports will be in place and what can be accessed describe desired outcomes and the impact of proposed support, with measurements in place to review over time⁴⁴ <p>Include details of:</p> <p>Direct mitigations to reduce risk including;</p> <ul style="list-style-type: none"> environmental modifications modifications to the physical/social environment such as creating a quiet space for the child to self-regulate, reducing sensory stimuli behaviour support – practical actions or approaches that support the child such as positive reinforcement, visual timetables, or social stories. <p>Intervention strategies;</p> <ul style="list-style-type: none"> may be cross referenced to a positive support plan e.g. Positive Support Plan for example, calming or de-escalation techniques known to work,
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⁴⁴ Adapted from: Getting it right for every child – Practice Guidance 1 – Using the National Practice Model – 2022

	<ul style="list-style-type: none"> modified routines, sensory breaks, or additional supervision during high-risk times.
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[Risk Assessments for Violent, Aggressive and Dangerous Behaviour Guidance for local authorities and educational settings](#) Appendix 5, page 25 Possible direct mitigations to reduce risk.

<p>Plan Agreed By: The team around the child should be involved in developing this document.</p> <p><u>The child or young person and their parent should be active participants in planning and review process.</u></p>		
Name	Position / Agency	Date

<p>Review Date</p>	<p>The review date will vary depending on the child or young person’s needs.</p> <p>Risk assessments are ‘living documents’ and are to be updated and reviewed if there are new incidents and/or new relevant information that impacts the current assessment of risk. They are to be regularly⁴⁵ reviewed thus ensuring mitigations are effective, appropriate, and proportionate to the level of risk.</p> <p>Reviews of risk assessments and subsequent changes should be made within the context of wider planning and assessment to ensure a child’s additional support needs are fully considered.</p> <p>Where there have been no incidents of violent, aggressive, and dangerous behaviour over an assessed time, consideration should be given as to whether the mitigations continue to be required.</p>
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A copy should then be uploaded onto Sphera.

*The following may prompt an early review

⁴⁵ Timescales will be determined by level of need at any given time and may be subject to change.

- The occurrence of a serious incident (or a series of minor incidences) This decision will be recorded in a Sphera Incident report and the Incident ID recorded in SEEMiS Pastoral notes.
- If the child or young person's behaviour changes
- If staff/location etc. change
- Any other reason to think that the assessment is no longer valid

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Positive Support Plan

A Positive Support Plan aims to provide all staff, including supply or new staff working with a child or young person, with sufficient knowledge to assist them in reducing the risk of behaviours escalating to crisis point.

A Positive Support Plan is developed to support all staff working with the child or young person.

It is put in place so that staff are aware of:

- bridge builders e.g. strengths, interests which may help the member of staff engage the child or young person positively;
- potential triggers;
- early warning signs of anxiety or distress;
- de-escalation strategies;
- strategies/key tasks/language which should be avoided and;
- any agreed restrictive physical intervention techniques.

Child/Young Person's Name:		Date of Birth:	
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Date of creation	Click or tap to enter a date.
Authors:	
Parent/CYP Signature:	

Positive Support Plan – Proactive strategies

Cues that I am calm and relaxed	Green Support Strategies Proactive strategies that help to kept me within my environment and a system that meets my needs
<i>What can you see that tells you the child is feeling calm and relaxed?</i>	<p>Communication Needs <i>i.e. use of visuals or objects, understanding and use of verbal language, how I make my needs known and how adults should communicate with me.</i></p> <p>Likes/ Interests/ Bridge Builder <i>i.e. what engages me? What experiences do I enjoy?</i></p> <p>Sensory Needs <i>i.e. what sensory activities do I enjoy? What level of sensory stimulation do I like?</i></p> <p>Developmental Level <i>i.e. what age and stage am I working at in different areas of development?</i></p> <p>Management of known Triggers <i>i.e. what proactive strategies are in place to keep me calm and relaxed? How do I like people to approach me, talk to me? What level of demand am I comfortable with? How do I need my environment to be? What helps me avoid being distressed?</i></p>

Positive Support Plan – Intervention Strategies

<p>Amber – Signs of Escalation</p> <p><i>What can you see that tells you I am getting agitated/distressed? How do I look? What do I do?</i></p>	<p>Adult’s Response at Amber</p> <p><i>What does an adult do that helps me feel safe and emotionally contained? Which kinds of experiences can I tolerate at this stage? For how long?</i></p>
<p>Red – Peak of Behaviour /Crisis</p> <p><i>What can you see that tells you I am in crisis? How do I look? What do I do? How do I feel?</i></p>	<p>Adult’s Response at Red</p> <p><i>What does an adult do to help me feel safe and emotionally contained? How much space and time do I need? How close do I like an adult to be? What do they do and say? How long does the response need to last?</i></p>
<p>Blue – Signs of Calming Down</p> <p><i>How can an adult tell that the crisis is passing? How do I look? What do I do?</i></p>	<p>Adult’s Response at Blue</p> <p><i>At what point does the adult try to engage me? How do they know I will not go into crisis again? What kinds of things do I like to help me reengage? How long does this response need to go on for?</i></p>

Physical Intervention

At all levels and before any physical intervention, involved staff must have made every effort to manage the situation using agreed de-escalation approaches and strategies appropriate to the individual. Only if these have proven to be unsuccessful and there is a **clear risk of harm to the individual or others** should physical intervention be considered at red level. The child or young person's individual circumstances must also be taken into consideration as for some children and young people, physical intervention can escalate their emotional state and prove counterproductive. *Staff who have undertaken accredited training provided and are within their period of accreditation are permitted to employ restraint techniques of Physical Intervention.*

Please indicate which physical intervention strategies have been included in this positive management plan and agreed with parent/carers:

<input type="checkbox"/> Friendly Hold	<input type="checkbox"/> Shield (Fight Separation)	<input type="checkbox"/> Single Elbow Hold (Sitting/Chairs)	<input type="checkbox"/> Wrap (Standing)
<input type="checkbox"/> Small Child Escort	<input type="checkbox"/> Double Elbow Hold (Kneeling)	<input type="checkbox"/> Single Elbow Hold (Standing)	<input type="checkbox"/> Figure of Four (Kneeling)
<input type="checkbox"/> Help Hug	<input type="checkbox"/> Double Elbow Hold (Standing)	<input type="checkbox"/> Wrap (Kneeling)	<input type="checkbox"/> Figure of Four (Sitting/Chairs)
<input type="checkbox"/> Cradle Hug	<input type="checkbox"/> Single Elbow Hold (Kneeling)	<input type="checkbox"/> Wrap (Sitting/Chairs)	<input type="checkbox"/> Figure of Four (Standing)

By signing below, I agree that I understand what these physical interventions involve and that they will only be used as a last resort. If a situation has reached crisis stage and physical intervention is required, we agree to meet to review the positive support plan above as soon as possible.

Named Education Contact Signature:		Date:	Click or tap to enter a date.
Parent/CYP Signature(s):		Date:	Click or tap to enter a date.

SPHERA Incident Report

Required post incident information

SPHERA: Completing a **Young Person Incident Form**

	Advice Note	
Risk Area	Confidential	
Incident ID	A record of the incident ID should be logged in: SEEMiS/Pastoral Notes/Latest Significant Event/ Child and Young Person Wellbeing for all CYP directly involved.	
Location selector	Provide exact location is available – record where in the school estate.	
Details of the Young Person Involved	In addition to checking the relevant boxes such as IEP/CP/PSP/ etc Details such as protected characteristics, additional support needs, health conditions should be recorded in the About the Young Person/Further Details section	
Other Pupils Involved	If they are named in the report, a note must also be added to their Pastoral Note.	
Description of behaviour before incident:		
<i>Description of the behaviour before crisis</i>		
Description of events leading to incident		It may be useful to complete /fully update this section at the post incident learning review as it may inform changes that are required to

<p><i>What was happening for the young person before the incident?</i></p> <p><i>What behaviour alerted you that the young person was struggling to cope?</i></p> <p><i>What seemed to trigger the behaviour?</i></p>	<p>Where appropriate add specific detail of how CYP's ASN may have led to distressed behaviour e.g. sensory</p>	<p>the PSP or Inclusion and Wellbeing Risk assessment.</p>
<p>About the incident <i>Describe the actual incident</i></p>	<p>Key questions to consider:</p> <ul style="list-style-type: none"> • how did staff/child or young person respond? • what happened afterwards? • was the distress related to an identified additional support need? If so, how? <p>Seclusion: If a CYP was prevented from moving from leaving a space, this is recorded as seclusion and the appropriate sections should provide the relevant detail e.g. for how long? For what reason? etc.</p> <p>Ensure that the following detail is included within this section: <i>Was the child or young person supervised during the use of seclusion?</i> State:</p> <ul style="list-style-type: none"> • Supervised Y/N <ul style="list-style-type: none"> ○ By whom? • Same room Y/N or 	<p>The detail must include the following if they occurred:</p> <p>Was the child or young person physically moved to another place? Provide specific details of:</p> <ul style="list-style-type: none"> • who took the decision • how were they moved • where to <p>The time spent in this situation should be recorded (minutes) in the section 'How long did the restrictive physical intervention last?'</p>

	<p>Location of supervising adult (proximity to CYP)</p> <p>Was the child or young person prevented from leaving the space they were moved to?</p> <p>If so, how and for what reason?</p>	
<p>Response from Adult</p> <p><i>Was the Support Plan followed?</i></p>	<p>Were de-escalation or co-regulation strategies used? Provide details.</p> <p>If the plan was not followed, state why</p>	<p>This detail to be recorded in Summary of discussion and agreed actions and Investigation outcome</p>
<p>Team Teach/MAPPA Physical Interventions</p> <p>Was physical intervention used?</p>	<p>Seclusion falls within the definition of 'restraint'.</p> <p>It must be recorded as 'Yes' if seclusion was used.</p>	<p>MAPPA: Multi Agency Public Protection Arrangements</p>
<p>What was the reason for restrictive physical intervention?</p>	<p>What options are available?</p>	<p>Legal???</p>
<p>What was the specific risk to the welfare of the young person or others?</p>		
<p>Please select the restrictive physical interventions (s) used.</p>		
<p>Describe the physical intervention used, what method or technique did you</p>	<p>Seclusion must be stated if the response from adult falls within this definition.</p>	

use? Were there any complications that arose during the restrictive intervention.		
How long did the restrictive physical intervention last?	This MUST be completed if the previous answer to physical intervention was YES This also includes length of seclusion	
Resolution of Incident		
How/When did the crisis behaviour end?	Comment on how the child or young person responded while in this situation and post incident/when they returned to class.	
How did the restrictive physical intervention (if applicable) come to an end and what help and support did you offer to the young person.	By the person directly involved or others	
Were the young person's views heard? Did a restorative conversation take place?	Appendix: Post Incident Support	
Were there any other parties involved (young persons and adults) supported after the incident? In what way?		
Does a Positive Support Plan or Inclusion and Wellbeing Risk Assessment need to be created/amended?	If physical intervention has taken place a PSP or Inclusion and Wellbeing Risk assessment should be created to reduce the likelihood of a further incident.	

Details of Injuries and Treatment		
	<p>It is important that any details of any injury that is a <u>direct result of the restraint</u> is recorded and that if no injury occurred then this is clearly stated.</p> <p>Provide details of who sustained the injury – the CYP, staff, other CYP, member of public mas a <u>result of the restraint</u>.</p> <p>There should be a clear distinction between injury as a <u>result of the incident</u> and as a <u>result of the restraint</u>.</p>	
Please describe the treatment given and by whom.	<p>Report treatment given.</p> <p>This should also be recorded is a school’s reporting system.</p>	All schools should also have a system for recording any first aid administered. This should be updated to reflect the treatment given.
Working days lost	To reflect staff absence and/or CYP not in school.	
Date injured person returned to work /school		
Check box if the injured person need hospital treatment		
Effects of the Incident		
Please tick below to define the effect of the injury		
Items used by young person		
Information Sharing	<p>Parents – should be notified within school day and must within 24hours.</p> <p>Local Authority (SPHERA) – reported within 2 days full report within 5 days</p>	If more than one CYP’s family are contacted note who they are the parent of.

<p>Summary of discussions and actions agreed</p>	<p>Outcomes from Learning Review e.g.</p> <ul style="list-style-type: none"> • Any agreed revised/monitoring arrangements • Relevant details shared/discussed during sharing of information e.g. with parent. <p>Other key questions that should be recorded if appropriate.</p> <ul style="list-style-type: none"> • <i>Was the PSP followed if not – provide reason.</i> • <i>If restraint or physical intervention used: Was the person supporting the CYP in the incident trained? If not what is/are the next step(s)?</i> • <i>Were child protection procedures initiated? If so, which agencies were informed?</i> 	
<p>Witness details</p>	<p>Did anyone else observe the restraint or seclusion? Please provide details.</p>	<p>Record Witness details.</p> <p>Compliance should be noted in the report:</p> <p>Guidelines associated with the correct number of staff present should be followed and detailed for any restraint and detailed if not compliant e.g. in the event of an emergency</p>
<p>Related documents.</p>		

Investigation	This provides details of the Post Incident Learning Review Outcome of investigation to be recorded by SLT	The close of incident investigation will provide timestamp of the restraint/seclusion record close.
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Appendix ii: Background To Policy Change

Context

National Performance Framework

Extract from: Vision for Children and Young People Outcome:

We include and involve children in decisions about their lives and world, and protect their rights, dignity and wellbeing.

Our schools are loving, respectful and encouraging places where everyone can learn, play and flourish

The need to minimise the use of restraint

2017 **UN Committee on the Rights of Persons with Disabilities**

The need for the UK to “adopt appropriate measures to eradicate the use of restraint for reasons related to disability within all settings”

2018 The Children and Young People’s Commissioner Scotland’s report and “**No Safe Place**” and ENABLE’s Scotland report “**In Safe Hands?**”

In both reports, children and young people highlighted the trauma they suffered as a result of restraint and seclusion in school. They also highlighted that children and young people with additional support needs are more likely to be subject to the inappropriate use of restraint and seclusion.

2019 **The Equality and Human Rights Commission** published their **Human Rights Framework for Restraint**

Advice for policy makers on the human rights implications of using restraint and seclusion

2020 The Independent Care Review published seven reports forming **The Promise**

“Schools in Scotland must also not exacerbate the trauma of children by imposing consequences for challenging behaviour that are restrictive, humiliating and stigmatising. This includes seclusion or restraint...”

Additional Support for Learning Review

“early intervention and preventative approaches reduce the need to consider exclusion, physical intervention and seclusion...”

Guiding Principles

Reflecting children's rights and the nurture principles, the fundamental considerations which inform practice are:

- All behaviour is communication and distressed behaviour may indicate unmet needs. All efforts should be made to understand and address those needs
- All children and young people have a right to have their views sought and for these to be taken into account
- All children and young people have the right to be cared for, protected from harm and to grow up in a safe environment in which their rights are respected and their needs met; and
- Restraint and seclusion should not be viewed as, or become, routine practice in schools. They should not routinely form part of a child or young person's support plan. They should only be used:
 - within a culture that prioritises positive relationships, behaviour, wellbeing, and planned preventative approaches;
 - to avert an immediate risk of injury to the child or young person, or to others, where no less restrictive option is viable (reflecting the principle of last resort);
 - for the shortest time necessary and in the safest, least restrictive manner;
 - by those who are trained (except in emergency situations where no trained staff are available); and
 - where it does not degrade, punish or deprive a child or young person of their liberty.

Universal and Targeted Support

All staff have a responsibility to identify and respond to the needs of the children and young people in their care, to promote and support their wellbeing and readiness to learn.

Compliance with:

- the Education (Additional Support for Learning) (Scotland) Act 2004 ("the 2004 Act") and
- the accompanying statutory Code of Practice
- National GIRFEC policy and guidance and
- National Practice Model

is delivered in East Lothian's Children's Services via the **Child and Young Person's Planning Framework**.

Education providers also have duties to make reasonable adjustments for children and young people with disabilities under the 2010 Act. The reasonable adjustments duty under the 2010 Act requires forward planning based on what may be needed for the child or young person. The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 also includes duties for education authorities to develop and publish accessibility strategies to increase children and young people's access to the curriculum, access to the physical environment of schools and improve communication with children and young people with disabilities

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Appendix iii: National Policy And Legislation

The guidance is set within the legislative and policy framework outlined below.

Legislation

[Education \(Scotland\) Act 1980](#)

[Human Rights Act 1998](#)

[Standards in Scotland's Schools etc Act 2000](#)

[Education \(Disability Strategies and Pupils' Educational Records\) \(Scotland\) Act 2002](#)

[Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)

[Scottish Schools \(Parental Involvement\) Act 2006](#)

[Equality Act 2010](#)

[Children and Young People \(Scotland\) Act 2014](#)

[UNCRC \(Incorporation\) \(Scotland\) Act 2024](#)

Policy

[Curriculum for Excellence](#)

[Getting It Right For Every Child \(GIRFEC\)](#)

[Additional support for learning: Code of Practice, 3rd Edition \(2017\)](#)

[Additional support for learning: action plan](#)

[Plan 24-30 - The Promise](#)

[Executive Summary - Keeping the Promise implementation plan](#)

[Presumption to provide education in a mainstream setting: guidance](#)

[The National Improvement Framework](#)

[Developing a positive whole school ethos and culture: relationships, learning and behaviour](#)

[Included, engaged and involved part 1: promoting and managing school attendance](#)

[Included, engaged and involved part 2: preventing and managing school exclusions](#)

[National Guidance for Child Protection in Scotland](#)

[Learning/intellectual disability and autism: transformation plan](#)

[Preventing and responding to gender based violence: a whole school framework](#)

International human rights conventions

[Convention against torture and other cruel, Inhuman or Degrading Treatment or Punishment](#)

[European Convention on Human Rights \(ECHR\) and Human Rights Act 1998](#)

Article 3 - prohibits torture, inhuman or degrading treatment or punishment

Article 5 - the right to liberty and security

Article 8 - the right to respect for private life, which includes respect for physical integrity

Article 14 - Protection from discrimination

United Nations Convention of the Rights of Persons with Disabilities (UNCRPD)

Article 5 - Equality and non-discrimination

Article 7 - Children with disabilities

Article 14 - Liberty and security of person

Article 15 - Freedom of torture or cruel, inhuman or degrading treatment or punishment

Article 17 - Protecting the integrity of the person

Article 24 – Education

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Appendix iv: List Of Definitions And Recording Expectations

Alternatives to restraint and seclusion

Preventing distressed behaviour from occurring:

- Universal and targeted support to meet children and young people's additional support needs
- Preventative approaches ([East Lothian's Approaches](#))

Responding to distressed behaviour:

- Co-regulation and de-escalation strategies
- Pupil-led withdrawal Staff-led withdrawal

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Key definitions and recording and reporting expectations⁴⁶

	Definition	Recording and Reporting Expectations
Physical intervention	Physical contact carried out with the purpose of providing support to or preventing the actions of a child or young person	<ul style="list-style-type: none"> ▪ Physical intervention does need to be recorded or reported. ▪ Physical intervention that involves restraint must always be recorded and its use reported, as outlined below. ▪ Physical intervention that involves restraint must be followed by post-incident support and a learning review, as outlined below.
Restraint	An act carried out with the purpose of restricting a child or young person's movement, liberty and/or freedom to act independently	<ul style="list-style-type: none"> ▪ Recorded by school within 5 working days. ▪ Reported by school to parents/carers as soon as possible during the school day and exceptionally within 24 hours of restraint being used. ▪ Reported by school to Education Authority, managers of grant-aided school or the proprietor of the independent school within 2 working days with the full record shared within 5 days. ▪ Post-incident support and learning review: yes
Physical Restraint	The use of direct physical force to restrict freedom of movement	<ul style="list-style-type: none"> ▪ As per restraint recording and reporting. ▪ Post-incident support and learning review: yes.
Mechanical Restraint	The use of equipment to restrict freedom of movement	<ul style="list-style-type: none"> ▪ The use of equipment with a restrictive element does not need to be recorded or reported if its use was in line with an agreed support plan. ▪ Any use out with the agreed support plan should be recorded and reported in line with other restraints. ▪ Post-incident support and learning review: yes, when used out with agreed support plan.
Seclusion	An act carried out with the purpose of isolating a child or young person, away from other children and young people, in an area in which they	<ul style="list-style-type: none"> ▪ As per restraint recording and reporting. ▪ Post-incident support and learning review: yes. ▪ Urgent review of the child or young person's support plans should also take place.

⁴⁶ Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools: Annex B List of definitions and recording expectations

	are prevented from leaving	
Pupil led withdrawal	<p>Where a child or young person temporarily moves away, at their choice, from a situation they are finding challenging to a place where they have a better chance of regulating their emotions and behaviour.</p> <p>The child or young person is free to leave the space they have moved to.</p>	<ul style="list-style-type: none"> ▪ Documenting its use within the establishment is advised so that high frequency of use can be reviewed. ▪ The child's or young person's support plan should be updated where necessary. ▪ Where no support plan is in place, consideration should be given to developing one. ▪ Onward reporting not a requirement. ▪ Post incident support and learning review: on a needs basis.
Staff- led withdrawal	<p>Working with a child or young person to move away from a situation they are finding challenging to a place where they have a better chance of regulating their emotions and behaviour.</p> <p>The child or young person is free to leave the space they have moved to</p>	<ul style="list-style-type: none"> ▪ Documenting its use within the establishment is advised so that high frequency of use can be reviewed. ▪ The child's or young person's support plan should be updated where necessary. ▪ Where no support plan is in place, consideration should be given to developing one. ▪ Onward reporting not a requirement. ▪ Post incident support and learning review: on a needs basis.

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Appendix v: Legal Framework For Restraint In Schools

“The key legislation and human rights conventions in relation to restraint and seclusion are listed in [Appendix i](#)

It is important to note that there are **absolute legal prohibitions that apply to the use of restraint and seclusion**. These are summarised in the Equality and Human Rights Commission’s Framework for Restraint, which points to the clear position in international human rights law in respect of:

- restraint and seclusion with intent to torture, humiliate, distress or degrade someone;
- a method of restraining someone that is inherently inhuman or degrading, or which amounts to torture;
- physical force (such as physical restraint) as a means of punishment; or
- restraint or seclusion that humiliates or otherwise subjects a person to serious ill-treatment or conditions that are inhuman or degrading.

Education authorities, the managers of grant-aided schools and the proprietors of independent schools should ensure that restraint and seclusion is only used as a last resort, to prevent an immediate risk of injury, with the minimum necessary force, and for the minimum necessary time. In practice, the principle of last resort means that restraint should only be considered where no less restrictive options are viable.

UNCRC Act 2024

3Under the 2024 Act, it is unlawful for public authorities to act incompatibly with the incorporated [UNCRC requirements](#) when acting under powers conferred by or under Acts of the Scottish Parliament, certain statutory instruments or under the common law. The 2024 Act gives children, young people and their representatives the power to go to court to enforce their rights. The use of restraint on children and young people has significant implications for their human rights, in particular with respect to the following incorporated articles:

- Article 2 (non-discrimination)
 - Article 3 (the best interests of a child)
 - Article 12 (respect for the views of the child)
 - Article 19 (protection from violence, abuse and neglect)
 - Article 23 (children with a disability)
 - Article 24 (health and health services)
 - Article 28 (right to education)
 - Article 29 (aims of education)
 - Article 37 (inhumane treatment and detention)
 - Article 39 (recovery from trauma and reintegration)
- “Public authority” includes the Scottish Ministers, a court or tribunal, and “any person

certain of whose functions are functions of a public nature⁴⁷. This expressly includes functions carried out under an arrangement with a public authority⁴⁸, which would include functions carried out under a contract or grant. Education authorities are public authorities for the purposes of the 2024 Act. While this is ultimately for the courts to determine, it is anticipated that publicly funded provision at grant-aided or independent schools would be a public function.

Equality Act 2010

The use of restraint and seclusion, if they are not used for the reasons outlined in this guidance, could amount to discriminatory or prohibited conduct under the 2010 Act.

Under the 2010 Act, education providers have a duty to make reasonable adjustments for disabled children and young people and must not discriminate against a child or young person in the provision of education, or by subjecting a child or young person to “any other detriment”. Reasonable adjustments for a child or young person’s distressed behaviour arising from their disability would include the consideration and use of less restrictive or preventative approaches and de-escalation or co-regulation strategies, before restraint is used. Education providers must therefore ensure that they comply with the provisions of the 2010 Act in relation to any use of restraint in schools.

Duty of care

Education providers owe a duty of care to their pupils⁴⁹ and staff in relation to their safety. They have a duty to take reasonable care to prevent any harm that can be foreseen. Similar duties are placed on education providers under Health and Safety legislation. This guidance highlights the preventative approaches that can be taken to meet the needs of children and young people and lower the risk of harm to themselves or others arising from distressed behaviour. It also highlights the de-escalation and co-regulation strategies that should be considered ahead of restraint or seclusion if an unexpected risk of injury arises. Nevertheless, it is accepted that there are situations when the use of restraint or seclusion may be the only viable option available to staff to prevent an immediate risk of injury.

Health and Safety at Work etc Act 1974

An employer’s general duty under Section 2 of the 1974 Act includes ensuring, so far as is reasonably practicable, that their employees are not exposed to risks associated with work-related violence and aggression. The Health and Safety Executive’s definition of work-related violence is ‘Any incident in

⁴⁷ Section 6(5).

⁴⁸ Section 6(6).

⁴⁹ At common law and under statute including [The Schools \(Safety and Supervision of pupils\) \(Scotland\) Regulations 1990 \(legislation.gov.uk\)](#)

which a person is abused, threatened or assaulted in circumstances relating to their work'. This can include verbal abuse or threats as well as physical attacks.

An employer's responsibilities under Section 3 of the 1974 Act includes conducting their undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in their employment are not exposed to risks associated with work-related violence and aggression. An employer's responsibilities can therefore extend to both employees of other employers (e.g. contract staff), to self-employed persons and also to members of the public, including pupils.

Under the Management of Health and Safety at Work Regulations 1999, employers have a legal duty to assess the risks to employees and this includes, where appropriate, the risks from exposure to reasonably foreseeable violence and aggression relating to their work. The aim of the risk assessment is to determine what measures need to be taken to prevent or minimise the potential for work-related violence and aggression.

Protection from assault

The criminal law of assault is relevant to the use of physical restraint in schools. The common law crime of assault, in short, is a deliberate attack upon another person, whether or not actual injury is inflicted. No particular degree of force is required. What matters in the context of restraint is the question of intent. **Restraint, if used inappropriately, excessively or harmfully, could result in a charge of assault being brought.**

Human Rights Act 1998

Under the Human Rights Act, public authorities can only interfere with a child or young person's [Article 8 rights](#) (the right to respect for private life, which includes respect for physical integrity), where it can demonstrate that its action is **lawful, necessary and proportionate** in order to:

- protect national security
- protect public safety
- protect the economy
- protect health or morals
- prevent disorder or crime, or
- protect the rights and freedoms of other people.

Any physical restraint would have to meet this test.

Standards in Scotland's Schools etc. Act 2000

Section 16 of the Standards in Scotland's Schools etc. Act 2000 prohibits corporal punishment in schools and subsection (4) is relevant to the use of a physical restraint:

16 No justification for corporal punishment

(...)

(4) Corporal punishment shall not be taken to be given to a pupil by virtue of anything done for reasons which include averting–

(a) an immediate danger of personal injury to; or

(b) an immediate danger to the property of, any person (including the pupil concerned).

Legal framework for seclusion in schools

In addition to key aspects of the legal framework outlined for restraint, there are a number of human rights protections relevant to the use of seclusion. Of particular relevance is the legal framework surrounding deprivation of liberty.⁵⁰

Under [Article 5](#) of the ECHR (incorporated by the Human Rights Act 1998), everyone has the right to liberty and security of person. No one shall be deprived of their liberty save in certain circumstances, set out in Article 5, and in accordance with a procedure prescribed by law.

In contrast, restrictions of movement may be permissible. It must be acknowledged that in the school context, as in other areas of children's lives, some restrictions of movement are normal and desirable, for example in the interests of children's safety.

A deprivation of liberty can occur where a person is confined to a place that they cannot leave.

There is no legal process for authorising a deprivation of liberty in the school context.

This means that the use of an act which goes beyond a restriction of movement and deprives a child or young person of their liberty would, in that context, not be prescribed by law, and the education provider may be acting unlawfully.

Article 37(b) of the [schedule of UNCRC Act 2024 requirements](#) also sets out the principle that no child shall be deprived of their liberty unlawfully or arbitrarily. The detention of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. Paragraphs (c) and (d) are also relevant in outlining rights following any deprivation of liberty.

UNCRC Article 3(1) is relevant to all decision making in this area in stressing that in all actions concerning children, the best interests of the child shall be a primary consideration.

⁵⁰ Deprivation of liberty has been considered by the [Supreme Court in the decision of Cheshire West and Chester Council v P \[2014\] UKSC 19: P \(by his litigation friend the Official Solicitor\) \(Appellant\) v Cheshire West and Chester Council and another \(Respondents\), P and Q \(by their litigation friend, the Official Solicitor\) \(Appellants\) v Surrey County Council \(Respondent\) \(supremecourt.uk\)](#)

UNCRPD

Similarly to Article 37(b) of the [UNCRC](#), the [UNCRPD Article 14\(1\)](#) (liberty and security of person) sets out that state parties should ensure that persons with disabilities are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.”⁵¹

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⁵¹ Included, Engaged and Involved Part 3: A Relationships and Rights-based Approach to Physical Intervention in Schools

Appendix vi: East Lothian Way

The values and behaviours expected of all East Lothian employees in support of them are detailed in the [East Lothian Way](#). It details our collective responsibility to meet the objectives as identified in East Lothian Council Plan. Adopting and implementing the behaviours as outlined, should ensure that all our workplaces strive to provide the support for all.

The **VALUES** are:

ENABLING

and encouraging everyone we work with to be able to achieve their full potential

LEADING

by example and taking responsibility to improve ourselves and our services

CARING

for each other, our community and the work that we do

The **BEHAVIOURS** are:

Person Centred

We put the people we work with at the heart of everything we do.

- *We are empathetic and compassionate towards the people we work with*

Be the Best We Can Be

We take responsibility and use our initiative to deliver the highest quality services as efficiently and effectively as possible.

- *We take responsibility to undertake our development and seek feedback*
- *We give positive and constructive feedback to each other in a respectful way*

Make Things Happen

We plan and deliver our work effectively, making sure we understand needs and priorities. Within a financially challenging environment, we can't always meet the expectations of others. We can clearly communicate the limitations and what we can do.

- *We follow processes but adapt these when needed and appropriate*

Work Together

We collaborate with our partners, customers and based on understanding, compassion, trust, integrity and mutual respect.

- *We work together with others and collaborate with them to find solutions early on, taking time to listen to what is needed*
- *We take responsibility for our wellbeing and development and care about the wellbeing and development of others*

Embrace and Initiate Change

We embrace the need for change and initiate new ways of working to improve ourselves and our services.

- *We take responsibility for our actions and learn from our mistakes*
- *We take action when there is a problem – informing others as appropriate*

[Full details including Leadership Behaviours can be accessed here.](#)

Appendix vii: The Arousal Cycle:

Phase	Trigger	Escalation	Crisis	Recovery and Learning (Regulate, Relate & Reason)
Emotions & physical response	Anxiety Agitation	Anger/Aggression	Emotional distress	Exhaustion
Strategies	<p>Reducing anxiety – see soothe the system</p>	<ul style="list-style-type: none"> • Active listening and non-verbal communication • Distraction • Repetition/clarification of request • Take the blame & reframe • Positive body language • Focus on primary behaviours • Use Slow, Low and Calm approach • Be curious, not furious 	<ul style="list-style-type: none"> • Remain calm • Lower pitch of voice • Keep language to a minimum • Provide the children and young person with enough personal space • Provide reassurance or refer to prepared scripts • Child or young person withdrawal* • Send for adult support • Consider CYP dignity. Minimise the number of people present, discourage/ divert others from approaching 	<ul style="list-style-type: none"> • Allow time for recovery • Provide physical movement opportunities • Help them cool physically if required • Be ready to engage and provide a safe base • Coregulate with a trusted adult • Consider sensory needs and offer calming activities • Check on readiness to re-engage • Support re-engagement • Reduce expectations – be sensitive what the CYP will be able to do following crisis
← any targeted support detailed in child or young person’s Positive Support Plan →				

Appendix viii: Managing Incidents Involving A Weapon

Staff should use their judgement on what would constitute a knife or weapon incident, although in the event of any doubt police should be informed, rather than not, given that even minor incidents can inform a pattern of behaviour which may prove more concerning.

A knife or offensive weapons incident would be any incident in which East Lothian Council staff become aware of a pupil or pupils who have or are believed to have on their possession an article which meets the following definition, without lawful authority:

“An article which has a blade or is sharply pointed” which covers the standard understanding of a knife. Whilst the same act similarly defines an offensive weapon as “Any article (a) made or adapted for use for causing injury to a person, or (b) intended, by the person having the article, for use for causing injury to a person by (i) the person having it, or (ii) some other person”

Criminal Law (Consolidation) (Scotland) Act, 1995

When considering the most appropriate way to manage a situation where school staff suspect a child or young person is in possession of a weapon:

Prioritise Safety

Self, child or young person and all others within the school.

If level of threat deems it appropriate: follow school’s Emergency Lockdown Procedure

- Staff should not directly challenge the child or young person.
- Alert Head Teacher or a senior member of staff immediately. (Even if it is only suspected)

A careful, responsive but time critical analysis of risk should be made before the decision to approach the child or young person.

Flow Chart: Responding to Suspected Weapon



Supporting Considerations

Any actions should aim to ensure the safety of all pupils and staff whilst minimising disruption to the learning environment.

- Consider the following:
 - The evidence suggests the child or young person may have a weapon
 - The wider context and previous behaviour pattern
 - The arousal level of the pupil
 - The current level of co-operation from the pupil
 - Knowledge of any threats made to members of the school community
 - The quality of relationship between key staff and the child or young person
 - What supports are available e.g. is another member of staff present, can help be summoned?
 - If the situation was to escalate – what processes need to be followed to alert SLT/school community to heightened risk
 - Level of confidence that the person has the right skills to manage the situation e.g. a secure knowledge of approaches to de-escalation/coregulation

Engaging With The Child Or Young Person

Suspected Weapon

Continue assessment of the level of risk at all times.

A member of school staff, in the presence of another member of senior staff, where possible, may, if they believe it is safe to do so, ask the child or young person to disclose and display the contents of pockets or bags, to ascertain if there is a weapon.

This is a voluntary process.

If the child or young person chooses not to display their belongings, then the child or young person should be asked to remain where they are, and the police should be called immediately. Be alert to how this managed as it could either escalate or diffuse the situation.

Confirmed Weapon

- Contact Police Scotland (see below)
- Undertake a sensible and proportionate responses whilst continually assessing level of potential risk/threat to the safety of staff and pupils in the school

Contact with Police Scotland

In situations where staff have judged that they are responding to a knife or other offensive weapon incident within school, it is expected that for **every incident** this is reported to police via the most appropriate channel/s:

- Emergency: 999 emergency call service
- Police non-emergency number 101 if there is no immediate danger
- Report to a Youth Community Officer if on site and this is deemed more expedient or appropriate than either of the above two methods

Professional judgement of staff to identify the seriousness of the incident and therefore utilise the most appropriate method of reporting accordingly.

Post Incident Support

School procedures for providing immediate support to all affected should be implemented.

See: [Post Incident Support and learning Review](#)

Consideration given to the needs of:

- The child and young person involved;
- Staff directly involved
- Any witnesses – other children and young people, staff, volunteers/visitors, members of the public

Reporting

Parent

If the school has had to request a voluntary search or involve police due to a suspected weapon, parents should be alerted at the earliest opportunity. This should only be delayed if it is felt that early communication may in some way increase risk to the school community e.g. a distressed parent arriving at school, concerns regarding use of social media, there is not an appropriate member of staff available who can communicate the situation sensitively to the parent.

In all situations the parent must be fully informed by the end of the school day.

East Lothian Council

Any incident where a decision is made to undertake a search of a child or young person and/or where a weapon is suspected or found:

- Contact: Head Of Education
- Contact: Communications Team: News and Media
- Record on SPHERA

Post Incident Review

Undertake a [Post Incident Learning Review](#).

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Appendix ix: School Positive Relationships Practice Guidelines/Statement

All schools must adopt '**Included, Engaged and Involved 3: Promoting positive relationships and a rights-based approach to ensure safe and consistent environments for all** and have a rights-based relational approach founded upon high warmth and high standards and expectations which is specific to the school and its unique context.

Supporting documents:

- [Fostering a positive, inclusive and safe school environment](#) Guidance section 3: Frameworks to support whole school approaches.
- [Developing a positive whole school ethos and culture: relationships, learning and behaviour](#)

Leadership and School Ethos

Angela Morgan's review of additional support for learning implementation in 2020 found that positive school cultures develop where the key conditions for implementation are in place. These are:

- values-driven leadership;
- an open and robust culture of communication, support and challenge -underpinned by trust, respect and positive relationships;
- resource alignment, including time for communication and planning processes; and methodology for delivery of knowledge learning and practice development, which incorporates time for coaching, mentoring, reflection and embedding into practice."⁵²

Every school should ensure preventative approaches to reduce the risk of distressed behaviour occurring are embedded into the ethos and culture of the school. This will minimise the need for restraint and seclusion.

All members of the school community (parents, carers, children and young people and school staff) should be aware of this East Lothian Council policy and the correlation with the school's Positive Relationships Practice guidelines or statement. (Information on, or links should be included within the school handbook.)

⁵² IEI Part 3

A School Positive Relationship Statement should clearly articulate the

- importance of positive relationships
- be rights respecting⁵³ and
- importance of a nurturing approaches.

Within the statement, the alignment of school values and aims with the aspiration of high expectations for all may be communicated through the clear structures and processes in school that are necessary to support emotional, psychological, and physical safety.

These 'structures and boundaries' provide points of reference for respectful interactions and are an expression of what is important to everyone in the school community. They should provide clarity of what is expected. Unlike rules which are directly linked to negative consequences if they are broken, expectations and boundaries can be explicitly linked to positive outcomes or [consequences](#) that are a result of everyone in the learning community realising and respecting them.

Rights (children's and human) should be at the heart of agreeing boundaries, routines and shared expectations about how people treat one another. In line with UNCRC Article 12 children and young people should be full partners in agreeing what the shared expectations and boundaries are. The [CIRCLE Framework](#) is a useful tool for examining boundaries and routines at establishment and class level.

A school's relationships and behaviour statement, or operational guidelines for staff, should be clear about the situations which would require an immediate escalated response.

⁵³ The UNCRC does not prevent the use of consequences but it does require that discipline in the context of education is undertaken in a way that is consistent with the child's dignity.

A note on 'consequences'

'The term 'consequences' refers to the actions or interventions implemented in response to a child or young person's behaviour.

While these are often thought of as the actions or interventions taken in response to behaviour that falls below expectations, they can also be a response that reinforces positive behaviour and the meeting or exceeding of shared expectations⁵⁴

Consequences are simply the resultant experience of the actions we take. They can be described in terms of cause and effect'. A consequence can either be positive, natural, or logical where possible. In becoming successful learners and responsible citizens children, young people should be supported to understand consequences.

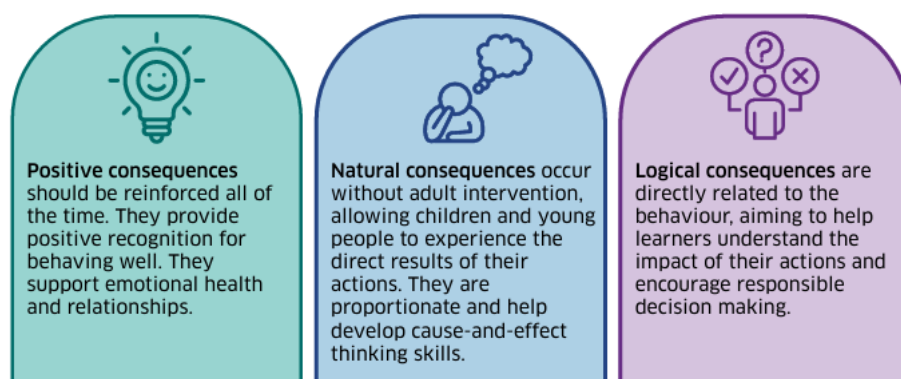


Image from Fostering a positive, inclusive and safe school environment Guidance.

When the action of one child or young person results in distress to others – it should not be ignored or dismissed. Appropriate responses should be informed by the universal agreements in place or where there additional planning for the child or young person, this should be followed.

Consider:

Is the outcome or action (consequence):

- Respectful and focussed on potential learning;
- Logical;
- Leading to reflection about any relevant issues and to support choosing alternative ways to act or respond/react;
- Supporting the development of self-regulation;
- Supporting the child or young person to become a responsible citizen?

The consequence should never be a punishment.

They outcomes should avoid possibility of shame or to force compliance.

⁵⁴ Fostering a positive, inclusive and safe school environment. Scottish Government Section 2

Further reading can be accessed here:

- Section 2: [Fostering a positive, inclusive and safe school environment](#) Scottish Government Guidance
- [Expectations and Consequences](#) as part of Education Scotland's Inclusion, Wellbeing and Equalities Professional Learning Framework

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Appendix x: Further Reading And Resources

Gender Based Violence & Misogyny	<p>Preventing and Responding to Gender Based Violence: A Whole School Framework</p> <p>New Mentors in Violence Prevention (MVP) resource</p>
Mental Health	<p>Mind Including Information for young people aged 11-18</p>
Neurodiversity	<p>GIRFEC in East Lothian: Neurodiversity Autism Toolbox</p>
Relationships	<p>Education Scotland Relationships and Behaviour Relationships and behaviour in schools and settings Inspection advice from January 2024 Introduction to Autism and Inclusive Practice</p> <p>Informed Level: Inclusion and Wellbeing Framework</p> <p>Open University/ Open Learn Foundations of Foundations of trauma-informed, relationship-based practice Rita Pierson: TED Talks Education</p>
Restraint	<p>HM Government (2019) Reducing the Need for Restraint and Restrictive Intervention.</p>
Rights and Dignity	<p>Children’s Parliament Dignity in School: A hub for rights based practice</p> <p>GTCS A children’s rights -based approach A guide for teachers</p>
Technology and Mobile Phones	<p>Guidance on Mobile Phones in Scotland’s Schools</p> <p>Advice on how to counter online hate and disinformation and to teach core critical and digital media literacy skills.</p> <p>Digital Discourse Initiative</p>

Wellbeing	<p>Education Scotland: Positive mental wellbeing - resources to support children and young people</p> <p>Information, resources and organisations which are freely available to support primary and secondary school staff to support mental wellbeing.</p>

Appendix xi: License Agreements

Extracts and quotes from Scottish Government

Licence agreement: <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

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