

WEST DUNBARTONSHIRE COUNCIL

Report by Laura Mason, Chief Education Officer

Educational Services Committee: 5th June 2019

Subject: Supporting Distressed and Challenging Behaviour in Educational Settings.

1. Purpose

1.1 The purpose of this report is to:

- a) inform elected members of practices supporting children and young people exhibiting distressed and challenging behaviour; and
- b) inform elected members of the roles and responsibilities of all stakeholders in ensuring adherence to policy and guidance.

2. Recommendations

2.1 Members of the Educational Services Committee are asked to:

- a) discuss and note West Dunbartonshire Council's support practices and to
- b) discuss and note West Dunbartonshire Council's Policy on supporting distressed and challenging behaviour. (Appendix 1)

3. Background

3.1 National guidance in, *Included, Engaged and Involved-Part 2* (June 2017) includes a renewed focus on prevention, early intervention and response to individual need in line with the principles of GIRFEC as set out in the *Children and Young People (Scotland) Act 2014*.

3.2 For a variety of reasons, a minority of pupils find accessing the routine and expectations of a learning and social environment difficult and can display behaviour that appears challenging or confrontational as a response. Such behaviour can take a number of different forms, which may lead to the child putting either their own wellbeing or that of others at risk, due to their physical response to a situation. This needs then to be assessed as requiring forms of de-escalation and possible restraint or seclusion to reduce immediate risk.

3.3 The definitions of seclusion and restraint referred to have been taken from the recent investigation by the Children and Young People's Commissioner in this area.

They are as follows:

- *'Restraint' is defined as "holding a child or young person to restrict their movement". This would include such techniques as CALM(Crisis and Aggression Limitation Management) or MAPA(Management of Actual or Potential Aggression)manoeuvres. It includes mechanical restraints (eg wheelchair straps) except those used during the course of normal activities or transportation (e.g seatbelts or wheelchair harnesses).*
- *'Seclusion' is defined as "the confinement of a child, without their consent, by shutting them alone in a room or other area which they are prevented from leaving". Seclusion is not the same as a 'time out' which is defined as a behavioural intervention used as part of a structured behaviour support plan which does not necessarily involve being physically removed to a separate room or area.*

3.4 Guidance from the Commissioner's Report and The United Nations Rights of The Child 1989 (UNRC) is clear that all children are entitled to higher standards of protection and care due to their age and vulnerability; with a right to feel safe.

3.5 West Dunbartonshire Council is committed to ensuring that all children and young people are supported to learn and achieve within a supportive, safe environment. All children and young people should have access to positive learning environments and opportunities to develop socially, emotionally and academically. Support should be appropriate, proportionate and timely. Early identification of universal and/or targeted support provides a framework for additional support where behaviour, for whatever reason, becomes more challenging.

3.6 This Policy is intended to provide a supportive framework, within which schools can effectively work with children and parents to maintain positive relationships, behaviour and safety in schools and has been developed in articulation with the following legislation and National/Local Authority policy: Education (Scotland) Act(s) (1980 and 2016), Standards in Scotland's Schools Act (2000) and Additional Support for Learning Acts (2004) as amended,

3.7 West Dunbartonshire Council is committed to the wellbeing and safety of all staff. This revised policy ensures cognisance of challenges and support for employees; ensuring appropriate training, monitoring, handling and care relating to incidents of distressed and challenging behaviour.

4. Main Issues

4.1 WDC resolves to work with a range of stakeholders, to ensure positive outcomes for all Children and Young People. We ensure all of our schools and Early Learning Centers are clear about the steps they need to take to actively promote and monitor high quality learning experiences and support of all children and young people. Guidance and approaches on supporting distressed and challenging behavior is shared and clear to all staff.

- 4.2 Senior Leaders in educational settings are clear of their roles in ensuring effective monitoring and impact of strategies and supports to ensure positive outcomes and the rights of the child. This is clarified in guidance.
- 4.3 The continuing professional development of staff is essential in ensuring children and staff are supported in dealing with and learning from challenging or distressing situations. A programme of training has been developed to ensure support of all stakeholders.
- 4.4 In order to take forward recommendations from The Children's Commissioner's Report into the use of Seclusion and Exclusion, systems for monitoring, recording, reporting and supporting pupils and staff have been established.

5. People Implications

- 5.1 There are no people implications as a result of this report; however it is essential that robust systems are in place to ensure the rights of children and young people are upheld and appropriate staff training to do so.

6. Financial and Procurement Implications

- 6.1 All activities related to the implementation of this policy are contained within Service Budgets.

7. Risk Analysis

- 7.1 If the Council is unable to ensure appropriate support to children and young people, we will not be meeting their needs (Children and Young People Act 2014) (Equalities Act 2010).
- 7.2 If the Council is unable to ensure safety and support for all children, young people and staff this could result in reputational damage.

8. Equalities Impact Assessment (EIA)

- 8.1 The supports and guidance enhance the quality of the service provided to all children and young people and therefore can be seen to have a positive impact in terms of the equalities.

9. Consultation

- 9.1 Legal Services and the Section 95 Officer have been consulted in relation to the content of this report.
- 9.2 The policy has been consulted up by Educational Psychologists, Head teachers, staff representation and central officers.

10. Strategic Assessment

10.1 This report reflects the Council's aspiration to reduce inequalities for the people of West Dunbartonshire.

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Appendices: Appendix 1 – West Dunbartonshire Council's Policy for Supporting Distressed and Challenging Behaviour

Background Papers: No Safe Place: Restraint and Seclusion in Scotland's
<https://www.cypcs.org.uk/ufiles/No-Safe-Place.pdf>
Schools Equality Act (2010)
Getting it Right for Every Child
How Good is Our School 4 (HGIOS 4)/How Good is Our Early Learning and Childcare
Children and Young People (Scotland) Act (2014)
Getting it Right for Looked After Children and Young People
Included, Engaged and Involved Part 2: A Positive to Preventing and Managing School Exclusions (2017)
United Nations Convention on the Rights of the Child (1989)
Every Child, Every Chance (2018)

Wards Affected: All Wards